



ACTON BOARD OF HEALTH RULES AND REGULATIONS

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ARTICLE 1. GENERAL APPLICABILITY AND ADMINISTRATION

- Regulation 1.1. The provisions of the State Environmental Code and all other statutes and regulations of the Commonwealth shall apply within the Town of Acton and shall be enforced by the Board of Health as provided by law. In addition, the following rules and regulations shall apply within the Town to the extent they impose additional or stricter requirements than those contained in the State Environmental Code, or other statutes or regulations of the state, or regulate matters not covered by such Code, statutes or regulations.
- Regulation 1.2. Whoever, himself or by his servant or agent of any other person or firm or corporation, violates any of these health or environmental regulations for which no penalty by way of fine or imprisonment, or both, is provided by the sanitary code or by other provisions of the law, shall be punished by a fine of not more than Fifty Dollars per offense and each day shall consist of another offense.
- Regulation 1.3 **Unconstitutionality Clause**
Should any section, paragraph, sentence, clause or phrase of these rules and regulations be declared unconstitutional or invalid for any reason, the remainder of said rules and regulations shall not be affected thereby.
- Regulation 1.4 **Repeal.**
All former rules and regulations or any part thereof in conflict with these rules and regulations are hereby repealed.
- Regulation 1.5 **Adoption**
These rules and regulations were adopted by unanimous vote of the Board of Health of the Town of Acton, on December 18, 1979.

ARTICLE 2. MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION

- Regulation 2.1 Article 2 of the State Sanitary Code shall apply.
- Regulation 2.2 Any persons owning any building or premises, or their agents, in the Town of Acton in or upon which is any offensive debris, stagnant water or other offensive animal or vegetable substance, rubbish, or filth of any kind, shall when ordered by the Board of Health dispose of the same within such time as may be stated in the order.
- Regulation 2.3 No owner of land abutting a private street or passageway, having the right to use such street or passageway, shall suffer any debris, stagnant water or other offensive animal or vegetable substances to remain on that part of the street or passageway adjoining such land, but shall remove same whenever ordered by the Board of Health.
- Regulation 2.4 All cellars must be kept at all times in a clean and wholesome condition, properly ventilated; no decayed animal or vegetable matter shall be allowed to accumulate. All cellars must be cleaned by the owner when ordered to do so by the Board of Health.
- Regulation 2.5 No old rags, old papers, or other refuse material shall be brought into or allowed to remain within any building used as a dwelling, if gathered from any place outside such building.
- Regulation 2.6 All garbage and rubbish as defined by Article II of the Sanitary Code shall be stored in such a way as not to become offensive in any manner. Garbage cans should be adequate in size and have tight lids. Access to any trash containers to be picked up, by personnel licensed to do so by the Town of Acton, must be free of ice and snow and paths sanded for safe footing.
- 2.6.1 All garbage and rubbish containers sized two (2) cubic yards or more and leased for a period of more than three (3) months, to a private party by a commercial trash hauler licensed by the Town of Acton, shall be registered with the Board of Health. Registration will be performed on an annual basis, running concurrently with renewal of Commercial Hauler's License, and will require a nominal fee, to be paid by said Commercial Hauler, and submission of the following information:

- (1) name of owner/lessor of container
- (2) name of lessee, and address, and telephone number
- (3) location of container
- (4) site of disposition of container contents

All containers shall be maintained in such a manner as to be in compliance with Article 2 of the State Sanitary Code and Acton Regulations 2-2 through 2-6, above.

Regulation 2.7

No person unless having the authority to do so shall dump or deposit any ashes, rubbish, refuse, offal or decayed animal or vegetable matter on any public or private land for other than agricultural purposes and use for composting. Composting shall be done in a manner which will not create a nuisance.

Regulation 2.8

The owner of any house or building, or part thereof which is rented, leased, let or hired out to be occupied, or is occupied or intended, arranged or designed to be occupied as the home or residence of more than two families living independently of each other and having the common right in the halls, stairways, yard, cellar, sinks, water closets or privies, or any of them, and every lessee of the whole or of two or more tenements in any such house or building shall annually during the month of April file, in the office of the Town Clerk, a notice containing his name and address and also description of the property, by street number or otherwise as the case may be, in such manner as will enable the Board of Health and Building Inspector easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments. The notice shall contain the name and address of some agent for the house, for the purpose of receiving service of process, and notice to and service of process upon such agent shall bind the principal.

ARTICLE 3. HOUSING AND SANITATION STANDARDS FOR FARM LABOR CAMPS

Regulation 3-1. Article III of the State Sanitary Code shall apply.

ARTICLE 4. SANITATION STANDARDS FOR RECREATIONAL CAMPS FOR CHILDREN

Regulation 4-1. Article IV of the State Sanitary Code shall apply.

ARTICLE 5. REGULATIONS RELATIVE TO SEPTAGE PUMPING, TRANSFERRING, STORING AND DISPOSAL.

Regulation 5-1. Authority.

The Acton Board of Health, acting under the authority of Chapter 111, Section 31, of the Massachusetts General Laws, amendments and additions thereto, and by any other power thereto, enabling and acting thereunder and in accordance therewith, in the interest of and for the preservation of the public health, duly rescinds all previous rules pertaining to the pumping, transferring, storing and disposal of septage, adopted by the Acton Board of Health, and now duly adopts the following rules and regulations pertaining to the pumping of septic tanks and systems, and all other related issues.

Regulation 5-2. Definitions.

- 5-2.1 Septage - That material physically removed from any part of, or originating from, a onsite wastewater treatment system, including but not limited to, the solids, scum, sludge and liquid contents of a septic tank, pump chamber, d box, leaching area, cesspool dry well or portable toilet.
- 5-2.2 Septage Hauler - Any Person(s), corporations or other legal entities licensed by the Acton Board of Health to remove, collect, transport, Transfer, Store or dispose Septage to a Septage Disposal Facility.
- 5-2.3 Septage Disposal Permit - A permit issued for Septage disposal by the Health Department to a Septage Hauler.
- 5-2.4 Storage - Any depot or location where Septage is stored in trucks or stationary tanks for a period of more than twenty-four (24) hours, excluding any septic tanks previously approved by the Board of Health.
- 5-2.5 Transfer - The pumping, removal or shifting of Septage from one container to another, with the exception of pumping individual septic tanks into an on site vehicle.
- 5-2.6 Trip Ticket - An official form of the Town of Acton which contains all pertinent information regarding the location where the Septage was generated.

Regulation 5-3. Administration

- 5-3.1 Only Licensed Septage Haulers shall be authorized to Collect, Transport, Transfer, Store or Dispose of Septage.
 - 5-3.1.1 Licensed Septage Haulers shall obtain or renew their license on an annual basis, by January 1 of

each year. A fee recommended by the Board of Health and approved by the Board of Selectmen, shall be required for said license.

5-3.1.1.1 Each Septage truck shall be inspected and licensed by the Acton Health Department, in accordance with 310 CMR 15.19 (2) Equipment.

5-3.2 The Board of Selectmen shall establish the appropriate fees for the Septage Disposal Permits and revise as necessary. All other fees for any other licenses or permits associated with this regulation shall be generated by the Board of Health and recommended to the Board of Selectmen for their approval.

5-3.3 Permits for septage disposal at approved Wastewater Treatment or Septage Disposal Facilities shall be obtained in accordance with the applicable administrative procedures for each individual facility.

5-3.4 Trip Tickets shall be completed by each Licensed Septage Hauler for each pumping activity and submitted to the Board of Health within thirty (30) days after each pumping. All Trip Tickets shall be filed in accordance with appropriate procedures established by the Health Department.

5-3.5 The use of enzymes, degreasers, commercial bacteria or any other additives in any onsite wastewater treatment system shall be prohibited unless otherwise approved by the Board of Health or their designee.

5-3.6 It shall be a violation of this regulation for any person to use any physical, chemical or biological treatment process to restore or condition an onsite wastewater treatment system without prior approval from the Health Director.

Regulation 5-4 Septage Pumping

5-4.1 Septage waste may be taken only to Septage Disposal Facilities which are approved by the Board of Health.

5-4.2 Schedule and Requirements for Pumping of septic tanks.

5-4.2.1 All operating residential septic tanks, cesspools or other Septage storage structures, shall have their contents pumped out a minimum of once every twenty four months by a Licensed Septage Hauler.

5-4.2.2 All operating non-residential, regardless of size,

and residential Septage storage structures, with a capacity greater than 1500 gallons, shall be pumped out every twelve months by a Licensed Septage Hauler.

5-4.2.3 The Health Director may vary the pumping schedule on any given property provided that a report is provided for that property, indicating that the prescribed pumping schedule for that property is a manifest injustice and equal environmental protection can be provided by an alternative pumping schedule. This variance will expire in 5 years or at such time as the property is sold or there is a substantial change of usage.

5-4.2.4 Effluent tee filters shall be serviced a minimum of once per year according to the manufacturer's directions.

Regulation 5-5 Septage Transport

5-5.1 No person shall remove or transport Septage, in accordance with 310 CMR 15.19 (1) Permits, through the Town of Acton without being a Licensed Septage Hauler.

5-5.2 The contents of privies, cesspools, septic tanks, tight tanks or any other type of Septage storage container shall be transported in a manner that will not create a nuisance, environmental hazard or a health hazard.

Regulation 5-6 Septage Transfer & Storage

5-6.1 Except for facilities operating prior to January 1, 1994, Transfer and/or Storage of Septage within any Zone 1, Well Protection Area, Zone 2, Recharge Protection Area or Zone 3, Aquifer Protection Area of the Aquifer District as defined in Article 16 of the Acton Board of Health Regulations, shall be prohibited.

5-6.2 The operator/ owner of any permanent Transfer and/or Storage Station within the Town of Acton must, on or before September 1, 1994, submit an application for a permit, to the Board or its designee, to Transfer and/or Store Septage.

5-6.2.1 Each application must indicate the property where Septage will be transferred and/or stored and the aquifer district which underlies the property. The application shall be accompanied by a plan showing the location of the Transfer and/or Storage area, the

types and capacities of all vehicles or storage vessels used in transferring and/or storing and the measures to be taken to prevent contamination to the air, ground or water on, underneath or adjacent to the site.

5-6.2.2 The Board of Health or its designee, shall make a determination regarding the issuance of a permit for Septage Transfer and/or Storage. Any permit issued must cite conditions necessary to protect the Health and Environment of the area. Any denial must specify in what manner the application was deficient in protecting the Health and Environment.

5-6.3 All temporary Transfer and/or Storage Stations shall receive a permit from the Health Director prior to any transfer and/or storage.

5-6.3.1 Temporary Transfer and/or Storage Stations shall be any location where for a period of less than four (4) hours and for no more than twice a year Septage is transferred and/or stored from a small collection truck to a larger hauling truck.

5-6.3.2 All Temporary Transfer and/or Storage Stations shall be on impervious material and all catch basins within 100' of the Transfer and/or Storage operation shall be sealed during the Transfer and/or Storage. Written permission from the owner of the property shall be submitted to the Health Director prior to any transfer/ storage.

Regulation 5-7 Inspection of Septage Equipment

5-7.1 All Licensed Septage Haulers shall have each of their trucks and trailers inspected, in accordance with 5-3.1.1.1 on an annual basis. A photo copy of their license must be kept in each truck.

5-7.1.1 No person shall use equipment to Remove, Transport, Transfer, Store or Dispose of the contents of privies, cesspools, septic tanks, tight tanks or any other type of Septage storage container unless such equipment has first been inspected and approved by the Health Department.

5-7.1.2 Mobile tanks (vacuum trucks) shall be securely mounted on trucks. They shall be watertight and provided with a leak proof cover and tight discharge valves.

- 5-7.1.3 Mobile tanks shall be provided with a vent constructed in a manner that will permit the escape of gas, but not the liquid contents of the tank.
- 5-7.1.4 The suction or pressure hose for each truck shall be in good condition.
- 5-7.1.5 Pumps shall be maintained in a manner that will prevent the leakage of Septage.

Regulation 5-8 Variance

- 5-8.1 Variances may be granted as follows: The Board of Health may vary the application of any provisions of this Article with respect to any particular case when, in its opinion (1) the enforcement thereof would do manifest injustice; and (2) the applicant has proved that the same degree of environmental protection required under this article can be achieved without strict application of the particular provision.

Regulation 5-9 Penalties

- 5-9.1 Any person(s) violating any of the provisions of this Article, for which a penalty is not otherwise provided in this Article, shall be fined not less than \$10.00 nor more than \$500.00, in accordance with 310 CMR 15.26.
- 5-9.2 The issuance of fines shall be preceded by the issuance of an order from the Health Director to the person or persons responsible to comply with the violated provision.
- 5-9.3 The person or persons to whom any order has been served may request a hearing before the Board of Health within seven days after receipt of the order.

Regulation 5-10 Severability

- 5-10.1 Each regulation of this Article shall be construed as separate to the end that if any regulation or sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.

ARTICLE 6. MINIMUM STANDARDS FOR SWIMMING POOLS

Regulation 6-1. Article VI of the State Sanitary Code and the following shall apply.

Regulation 6-2. Terms Defined

6-2.1 Swimming Pool means and includes every public or semi-public pool of water, located indoors or outdoors, having a depth of two (2) feet or more at any point and used for swimming or bathing, together with the bathhouses, equipment, and appurtenances used in connection with the pool.

6-2.2 Public Pool means every swimming or wading pool, admission to which may be gained by the general public, with or without the payment of a fee.

6-2.3 Semi-Public Pool means a swimming or wading pool on the premises of, or used in connection with a hotel, motel, trailer court, apartment house, country club, youth club, school, condominium, camp, or similar establishment where admission to the use of the pool is included in the fee or consideration paid or given for the primary use of the premises. Semi-Public pool shall also mean a pool constructed and maintained by groups for the purposes of providing bathing facilities for members and guests only.

6-2.4 Wading Pool means a pool of water in a basin having a maximum depth of less than two (2) feet intended chiefly as a wading place for children.

6-2.5 Operator means any person who alone or jointly or severally with others owns a public or semi-public swimming pool or wading pool regulated by this article, or has care, charge or control of such a pool as agent or lessee of the owner or as an independent contractor.

Regulation 6.3. Annual Permit Requirements for Swimming or Wading Pools

6.3.1 No person shall operate or maintain any swimming or wading pool without a permit from the Board of Health. The permit shall state the method of water treatment, the number of trained lifeguards required, and the maximum number of people allowed in the water at any time. The permit shall be subject to the requirements of these regulations.

6.3.2 The operator shall post the permit in a conspicuous location near the swimming or wading pool.

6.3.3 All permits shall expire December 31, following the date of

issue, and may be revoked for cause at any time by the Board of Health.

- 6-3.4 Applications for a permit shall be made to the Board of Health at least fifteen (15) days before the expiration of a permit, or otherwise at least fifteen (15) days before the opening of the swimming or wading pool.

Regulation 6-4. Health Regulations

- 6-4.1 No person having a communicable disease shall be employed or work at a swimming pool.
- 6-4.2 The following regulations should be enforced by the operator:
- (A) No bather shall enter the pool unless he first takes a cleansing shower.
 - (B) No person suffering from a fever, cough, cold, inflammation of the eyes, nasal or ear discharges, or any communicable disease shall be allowed the use of the pool.
 - (C) No person with sores or other evidence of skin disease, or who is wearing a bandage of any kind, shall be allowed the use of the pool.
- 6-4.3 The operator shall cause a sign to be placed at the entrance of the pool enclosure, which reads substantially as follows:
- "All persons are required to take a cleansing shower bath before entering the pool."
- "No person with a communicable disease is allowed to use the pool."

Regulation 6-5. Lifeguards

- 6.5.1 Purpose
- A. The purpose of this regulation is to protect the public health and safety by setting forth the conditions by which pools (Public & Semi-Public) can operate with and without lifeguards.
- 6-5.2 Requirements for Lifeguards
- A. Unless otherwise noted in this regulation, the Board of Health requires that lifeguards be present at all times when pools are in operation, to ensure that swimmer safety

and water quality are maintained.

- B. Unless otherwise noted in this regulation, it is expected that the lifeguard at every pool shall be responsible for testing the quality of water and the adherence with all Board of Health requirements and conditions, as well as swimmer safety.

6-5.3 Exception to Lifeguard Requirement

- A. Any pool that meets the following conditions shall be entitled to operate without a lifeguard being present.
 - 1. Prior to opening a pool the operator or owner shall post a sign at the pool stating the potential liability of operating without a lifeguard and the understanding that the Board recommends that a lifeguard be present at all times of operation.
 - 2. Any pool operating without a lifeguard must designate a contact and alternative person who is given the power to close the pool or to hire a lifeguard and to be responsible for maintaining water quality and adherence to the Board of Health's rules and regulations. The name of the contact person and the alternative person shall be posted on a sign at the pool prior to the opening of a pool.
 - 3. All children under sixteen (16) years of age must be accompanied by an adult swimmer over sixteen (16) years of age.
 - 4. No individuals are permitted to swim alone. At a minimum, two swimmers must be in the pool enclosure at the same time, with at least one being an adult.
 - 5. Every pool operating without a lifeguard will present to the Board of Health a list of on-call lifeguards that are contracted to provide on-call service during weekends and special events.
 - 6. Any pool operator who is planning to hold a special event within a pool enclosure, at which there is a reasonable expectation of ten (10) or more people being present, must notify the Health Department during regular business hours at least twenty-four (24) hours in advance with specifications as to start

and end times of the event and name of the lifeguard who will be present.

6-5.4 Penalties

- A. Any violation of this regulation shall subject the operator to a fine of \$50.00.
- B. Any subsequent violation shall cause the suspension of a pool license for a period of one week, a fine of \$100.00 to be paid prior to the reopening of the pool. The operator shall also be required to appear at a meeting before the Board of Health.
- C. Any two (2) separate violations will require that the pool maintain a lifeguard at all times.

Regulation 6-6. Safety Equipment

- 6-6.1 The operator shall provide, in a readily accessible location, at least one shepherd's crook pole with minimum handle length of twelve (12) feet and one ring buoy with a minimum inside diameter of fifteen (15) inches weighing two and one half (2 1/2) pounds and with a quarter (1/4) inch rope attached, not less in length than one and one half (1 1/2) times the width of the pool.

Regulation 6-7. First Aid Equipment

- 6-7.1 The operator shall provide a standard Red Cross 24-Unit first-aid kit or its equivalent. The telephone numbers of the local police and fire departments shall be posted in a conspicuous place. A telephone, other than a pay station, shall be available within 100 yards of the pool.

Regulation 6-8. Bathhouse and Sanitary Facilities

- 6-8.1 The operator shall provide hose bibs for flushing down the dressing rooms, bathhouse interior, and outside pool decks.
- 6-8.2 The operator of every public and semi-public swimming pool shall provide and maintain a fence enclosure with self closing and lockable gates which will prevent animals, unauthorized persons and children from entering the pool area at all times.

Regulation 6-9. Structural

- 6-9.1 Structural elements and all accessories including diving boards, ladders, walkways, etc. shall be maintained in good, clean condition and in good repair at all times. The pool shall be finished in a light color.

- 6-9.2 The operator shall, at all times, when the pool is in use, provide a minimum of twenty (20) foot candles of light above the deck and water surface. Underwater lights shall have a minimum 1.0 watts per square foot of pool surface area.
- 6-9.3 The water depth of every swimming pool shall be plainly marked on the pool deck at the edge of the pool and on the vertical pool walls, at or above the water surface.
- 6-9.4 Private and commercial pools having a depth of two (2) feet or more must be enclosed by a protective fence at least four (4) feet in height with a lockable gate. Gates shall lock on closing. Gate locks must be placed on the inside of the fence. Both fence and gate lock must meet with the approval of the inspector. Vertical stays in the fence must not be more than two inches apart. The Acton Board of Health may designate the Acton Building Department inspection personnel as their technical agents to enforce the above regulation. Permit application plans must include adequate fence and gate details.

Regulation 6-10. Water Recirculation and Filtration Systems

- 6-10.1 All swimming pools shall be equipped and operated with an automated system for recirculation, purification and disinfection of the pool water.
- 6-10.2 Disinfection by the hand addition of chemicals is prohibited.
- 6-10.3 Chlorinators or hypochlorinators shall be dependable in operation and equipped with a calibrated controlling device capable of being finely adjusted to the required rates.

Regulation 6.11. Testing Equipment and Records

- 6-11.1 A test kit which is capable of measuring free chlorine (DPD method), total chlorine, pH, and total alkalinity is required at all semi-public pools. Each test kit shall be maintained in good repair at the pool with a fresh supply of the necessary reagents.
- 6-11.2 Tests for residual disinfectant (chlorine) and hydrogen-ion concentration (pH) shall be made at least three (3) times daily. Total alkalinity must be tested at least once daily (50-100 ppm recommended).
- 6-11.3 The operator shall maintain a current written daily record of all data pertaining to the operation and condition of the pool and he shall keep it available for inspection by the

Board of Health at all reasonable times.

- 6-11.4 The records shall include data regarding types and amounts of chemicals used daily and results of chemical testing (including the date, time of test, free chlorine reading, pH, total alkalinity, bather load, weather conditions and the name of the tester.)

Regulation 6-12. Chemical Standards.

- 6-12.1 Swimming Pool water shall be treated with chlorine as a disinfectant in accordance with the following:

FREE RESIDUAL CHLORINE (ppm)		
pH	1.0 - 3.0	7.2 - 7.8

Regulation 6-13. Water Clarity.

- 6-13.1 At all times any swimming or wading pool is in use, the water shall be sufficiently clear to permit a black disk four (4) inches in diameter on white field, when placed on the bottom of the pool at the deepest point, to be clearly visible from the sidewalks of the pool at all distances up to ten (10) yards measured from a line drawn across the pool through said disk.

Regulation 6-14. Closure of Pools.

- 6-14.1 If at any time the swimming pool or wading pool does not conform with the requirements for residual chlorine, pH and water clarity set out in these regulations, the operator shall immediately close the pool until the pool water conforms with these standards. Failure to meet with the requirements of these regulations at any time shall cause the swimming or wading pool to be closed until the requirement(s) have been met.

Regulation 6.15. General Enforcement.

- 6-15.1 If an examination reveals that a swimming pool or wading pool does not comply with the provisions of these regulations, the Board of Health may, as it considers necessary, issue an order which revokes or suspends a permit.

ARTICLE 7. MINIMUM STANDARDS FOR BATHING BEACHES

Regulation 7-1. Article VII of the State Sanitary Code shall apply.

ARTICLE 8. MINIMUM STANDARDS FOR DEVELOPED FAMILY TYPE CAMPGROUNDS

Regulation 8-1. Article VIII of the State Sanitary Code shall apply.

ARTICLE 9. MINIMUM SANITATION STANDARD FOR PRIVATE AND SEMI-PUBLIC WATER SUPPLY

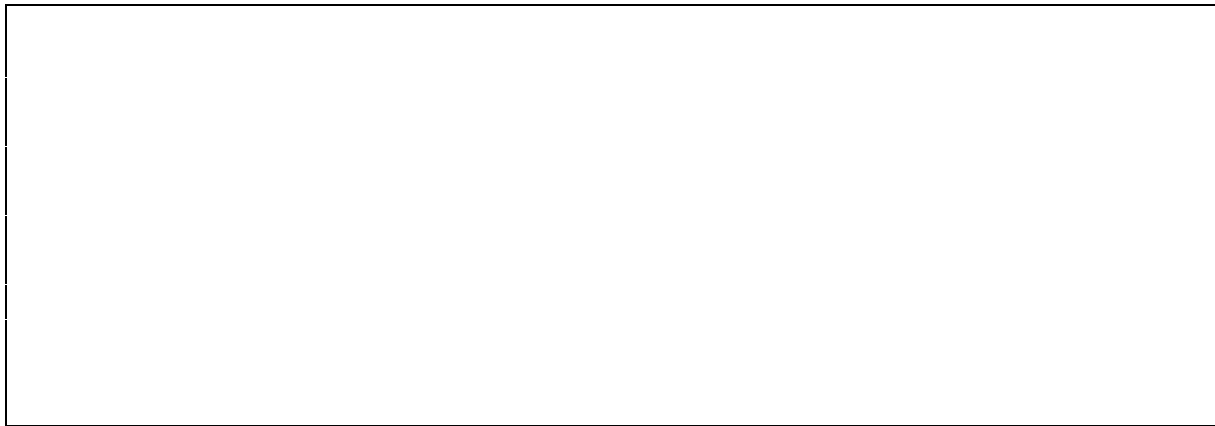
Regulation 9-1. Terms

- 9-1.1 Well - The word "well" so used in these regulations shall include any pit, pipe, excavation, spring, casing, drill hole or other source of water to be used for any purpose of supplying potable water in the Town of Acton, and shall include dug wells, driven or tubular wells, drilled well (artesian or otherwise) and springs, gravel packed, gravel walled wells, gravel developed and wash boring. For further explanation, see Massachusetts Department of Public Health bulletin, Rural Water Supplies 1956.
- 9-1.2 Water Systems - The words "water systems," as used in these regulations shall include pipes, valves, fittings, tanks, pumps, motors, switches, controls and appurtenances installed or used for the purpose of storage, distribution, filtration, treatment or purification of water for any use whether or not inside a building.
- 9-1.3 Private Water Supply - The term "private water supply" means any water system serving or intended to serve water for human consumption or for domestic uses on one lot. The system shall include all of the sources, treatment works and transmission lines to the point where distribution takes place within the building. (amended 3/5/81)
- 9-1.4 Semi-Public Water Supply - The term "semi-public water supply" means any well water system serving or intended to serve water for human consumption or for other uses or purposes, to multiple dwelling of two or more units or to more than one multiple dwelling under a single ownership and located on the same lot, and shall include; roadside restaurants, dairies, schools, institutions, motels, mobile home parks, bottling plants, campgrounds, recreational camps for children, state forests, parks and beaches. (amended 3/5/81)
- 9-1.5 Public Water Supply - the term "public water supply" as used in these regulations shall mean water provided by the Acton Water District or the Town of Concord Water Department or other municipal supplier to the Town of Acton. (amended 3/5/81)

Regulation 9-2. Wells.

- 9-2.1 No well shall be installed until a permit has been obtained by the Board of Health or its agent. The fee for this permit shall be set by the Board of Health from time to time.
- 9-2.2 The well contractor shall observe reasonable sanitary measures and precautions in the performance of his work in order to prevent pollution or contamination of the well.
- 9-2.3 See Illustration 1, for suggested examples of typical installation.

ILLUSTRATION 1



- 9-2.4 A plot plan shall be submitted to the Board of Health indicating the location of the well.
- 9-2.5 Wells shall be located at least 25 feet from the street and 100 feet from any leaching system in the vicinity, and any other distance as per Title 5 of the State Environmental Code.
- 9-2.6 Wells must be properly curbed and covered to prevent entrance of contamination and to divert surface drainage away from the well.
- 9-2.7 Evidence of the yield of the well shall include a demonstration test, in the presence of Board of Health agent, of the rate of flow, in a satisfactory manner by the well contractor before his equipment is removed from the site.
- 9-2.8 A minimum of 200 gallons per bedroom per day at 40 psi at the highest fixture serviced (a bedroom shall include undeveloped area that could be made into a bedroom).
- 9-2.9 Pressure tanks for individual home installation shall have a capacity of 30 gallons per bedroom served with a minimum size of 42 gallons. The water system shall be able to deliver 5 gallons per minute for four hour continuous running.

- 9-2.10 Water flow rate requirements may be adjusted accordingly when large storage, and or storage pressure tanks are provided (see page 101 Individual Water Supply Systems of the U.S. Department of M.E.W.).
- 9-2.11 Auxiliary power must be available to maintain a water supply for multiple dwellings.
- 9-2.12 If a public water supply is not available due to a municipal or water district adopted moratorium or other condition of water shortage, a variance from regulation 9-6.4 may be granted by the Board of Health. The variance will only be granted subject to the following conditions:
- (a) all other requirements for wells contained herein shall be met.
 - (b) public water supply water shall be used as soon as the moratorium or other condition of water shortage is lifted upon an order to the Board of Health and within a time limit specified by the Board and when permission to tie into such a public water supply line can be obtained from the authority having jurisdiction over it.
 - (c) where a public water supply line is accessible in an abutting way, all lines for the connection to a public water supply must be installed and a stub must be brought into the building on the lot where water for human consumption is required see Illustration A, page 13 Acton Board of Health rules and regulations 9-6.4. (amended 3/5/81)

Regulation 9-3. Sanitation, Production and Quality.

- 9-3.1 Sanitary protection must be incorporated into the construction of the well and final finishing at grade shall include a cement platform of 6 feet square or large enough to extend at least 2 feet in all directions from the well casing itself (see page 3 U.S.P.H. book).
- 9-3.2 All newly completed wells shall be disinfected in accordance with instructions from M.D.P.H. "Rural Water Supplies."
- 9-3.2.1 Before approval every well shall be pump tested. The pump test shall include a draw down test at a minimum pumping rate of five (5) gallons/minute for four (4) hours. The results of the pump test shall be submitted to the Board of Health for approval.
 - 9-3.2.2 A bacteriological test to indicate a 0/100 ml. coliform density once a year will be the minimum requirement. The results shall be forwarded to the Acton Board of Health.

9-3.2.3 A chemical analysis will be required once every three years (for all installations) and shall include as a minimum the following: Chloride, Color, Hardness, Iron, Manganese, Nitrate, Odor, pH, Turbidity. The quality of the water must meet U.S. Public Health recommended standards. Further testing may also be required if the Board of Health agent notes any extenuating circumstances.

9-3.3 Owners of a private water supply shall be required to register with the Board of Health.

9-3.4 The owner of a semi-public water supply shall furnish at the request of the Board of Health or their agent a complete report or other particular information concerning the condition and operation of the water system or any part of it.

9-3.5 Pump houses or pump rooms shall be kept in a sanitary condition at all times. Also the size of the room should be no larger than necessary to house the pumping and the electrical equipment involved in the water system. Lawnmowers, snowblowers, or other gas powdered engines shall not be stored in the pump room. Insecticides and/or fertilizers shall not be stored in the pump room.

9-3.5.1 Pump house, pump or pipe pits and wells shall be designed and constructed to allow easy access for maintenance and to prevent the entrance of pollution or contamination.

9-3.5.2 Pump house and pump rooms or pitless adapters shall be in accordance with U.S. Public Health Service booklet "Manual of Individual Water Systems" as currently published.

9-3.6 No person shall install or enter into a contract for installing or making additions, modifications, or alterations to any "semi-public" water supply before submitting complete plans, specifications and descriptions to the Board of Health and receive from them written approval. Private and semi-public water supply systems shall be approved by the Board of Health before occupancy is permitted.

Regulation 9-4. Water Conditioning.

9.4-1 Permanent disinfection of a polluted supply is prohibited. Treatment plans for water conditioning such as iron,

manganese, hardness, etcetera, shall be submitted for Board of Health approval.

Regulations 9-5. Pipes and Equipment.

- 9.5-1 All service pipes and connections shall be of non-toxic material and specifications approved by New England Water Works Association.
- 9-5.2 The installation of pipes shall be such that they are protected from crushing and/or attack by rodents and freezing.
- 9-5.3 Dissimilar metals should be discouraged in the water system. The use of non-conductive plastic inserts between pipes and fittings or the installation of a sacrificial anode is helpful in minimizing corrosion problems.
- 9-5.4 Electrical service grounds shall not be attached to the water piping.

Regulation 9-6. Prohibitions

- 9-6.1 Surface water supplies for private or semi-public water supplies shall be prohibited.
- 9-6.2 Cisterns shall be prohibited.
- 9-6.3 Cross connections shall be prohibited. No cross connection between a private source of water supply and a public water supply shall be allowed. See illustration A.

ILLUSTRATION A

Swing joint permitting use of secondary water or municipal water supply without cross connection.



- 9-6.3.1 Other cross connections for whatever purpose shall not be allowed without a written permit from Massachusetts Department of Public Health.
- 9-6.4 Private or semi-public well water systems or other sources of potable water shall not be approved where a public water line is accessible in an abutting way and where permission to

tie in such water line can be obtained from the authority having jurisdiction over it. The Board of Health may require the owner or occupant of an existing building or buildings, wherever a public water line is accessible in an abutting way to cause such building or buildings to be connected with the public water line in a manner and within a period of time satisfactory to the Board of Health. (amended 3/5/81)

9-6.4.1 Notwithstanding the requirements of 9-6.4, the Health Department shall grant approval for the installation of irrigation wells in public water supply areas when the following conditions have been met:

- a. The irrigation well shall be an artesian or bedrock well and shall be used for irrigation purposes and only for the lot where the well is installed.
- b. All underground sprinkler heads of the irrigation system shall be a minimum of 25' from the septic system and all underground sprinkler lines shall be a minimum of 10' from the septic system.
- c. The irrigation well shall be tested in accordance with all drinking water supply standards, as stated in Board of Health regulation 9-3.2.
- d. The irrigation well shall be registered with DEM. An as-built plan of the well location shall be provided along with coordinates.
- e. The irrigation well shall also comply with applicable local and state regulations.
- f. Should the irrigation well not be used for a period of two years, it shall be abandoned by filling the well head with a concrete slurry and by taking any other action necessary to make the area safe from potential accidents.

(amended 9/14/95)

- 9-6.5 A well must be located on the lot it serves. Service of more than one lot is prohibited.

Regulation 9-7. Enforcement

- 9-7.1 The Board of Health may vary the application of any provision of this article with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustices; provided that the decision of the Board of Health shall not conflict with the spirit of these minimum standards. Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall, while

it is in effect, be available to the public at all reasonable hours in the office of the Clerk of the Town, or in the office of the Board of Health, and notice of the grant of variance shall be filed with the Commissioner of Public Health of the Commonwealth.

9-7.2 Any variance or other modification authorized to be made by this article may be subject to such qualification, revocation, suspension, or expiration as the Board of Health expresses in its grant. A variance or modification authorized to be made by this article may otherwise be revoked, modified or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard in conformity with the requirements for an order and hearing of Regulations 9-7.3 and 9-7.4 of this article.

9-7.3 The provisions of Article 1 of this Sanitary Code shall govern the enforcement of this article.

9-7.4 Every order authorized by this article shall be in writing. All orders shall be served on the designated person:

- (a) personally, by any person authorized to serve civil process, or
- (b) by leaving a copy of the order at his last and usual place of abode, or
- (c) by sending him a copy of the order by registered or certified mail, return receipt requested, if he is within the Commonwealth, or
- (d) if his last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the order in a conspicuous place on or about the affected premises.

9-7.5 Subject to the emergency provisions of these Regulations, any order issued under the provisions of this article shall:

- a. include a statement of the violation, or defect, and may suggest action which if taken will effect compliance with this code, and
- b. allot a reasonable time for any action it requires and
- c. inform the person to whom it is directed of their right to a hearing and of their responsibility to request the hearing and to whom the request shall be made.

- 9-7.6 The person or persons to whom any order served pursuant to Regulation 9-7.4 of this article has been directed may request a hearing before the board by filing within seven (7) days after the day the order was served in the office of the Board of Health a written petition requesting a hearing on the matter. Upon receipt of such petition the Board of Health shall set a time and a place for such hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed: provided, that upon application of the petitioner the Board of Health may postpone the date of the hearing for a reasonable time beyond such ten (10) day period if in the judgement of the Board of Health, the petitioner has submitted a good and sufficient reason for such postponement.
- 9-7.6.1. At the hearing the petitioner shall be given an opportunity to be heard and so show why the order should be modified or withdrawn.
- 9-7.6.2. After the hearing the Board of Health shall sustain, modify, or withdraw the order and shall inform the petitioner in writing of its decision. If the Board of Health sustains or modifies the order, it shall be carried out within the period allotted in the original order or in the modification.
- 9-7.6.3. Every notice, order, or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the Board of Health.
- 9-7.6.4. If a written petition for a hearing is not filed in the office of the Board of Health within seven (7) days after an order as provided in Regulation 7.6 has been issued, or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense. (See Regulation 9-7.8)
- 9-7.7 Any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdictions, as provided by the laws of the Commonwealth.
- 9-7.8 Any person who shall violate any provision of this article for which penalty is not otherwise provided in any of the General Laws or in any other provision of this article or article of the sanitary code shall upon conviction be fined not less than \$25.00 or more than \$100.00 dollars.
- 9-7.9 Any person who shall fail to comply with any order issued

pursuant to the provisions of this article shall upon conviction be fined not less than \$25.00 or more than \$100.00 dollars. Each day's failure to comply with an order shall constitute a separate violation in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to conform with the requirements for an order and hearing of Regulation 9-7.4 and 9-7.6 of this article.

**ARTICLE 10. MINIMUM SANITATION STANDARD FOR FOOD SERVICE
ESTABLISHMENTS AND RETAIL FOOD STORES**

- Regulation 10-1. Article 10 of the Commonwealth of Massachusetts Sanitary Code shall apply and Rules and Regulations relative to Retail Food Establishments, Division of Food and Drugs.
- Regulation 10-2. The Board of Health or its agents shall have the right to require specific design criteria for dishwashing apparatus to protect the health and safety of the public.
- Regulation 10-3. No person having bare feet shall be allowed in any public building or in any establishments dealing with the distribution, preparation or otherwise handling of foods. This shall include restaurants and retail stores.
- Regulation 10-4. The sale of non-pasteurized milk and milk products is prohibited.
- Regulation 10-5. A late charge of \$20.00 will be charged to all establishments who fail to renew Food Service Permits by December 31 for the ensuing calendar year.
- Regulation 10-6. Sundries permits shall be issued to those establishments selling limited amounts of prepackaged materials as a secondary function. The fee for said permits shall be set by the Board.

ARTICLE 11. MINIMUM REQUIREMENTS FOR THE DISPOSAL OF SANITARY SEWAGE IN UNSEWERED AREAS.

- Regulation 11-1. Authority
The Board of Health of the Town of Acton, Commonwealth of Massachusetts, acting under the authority of Chapter 111, Section 31, of the General Laws and amendments and additions thereto, and by any other power thereto, enabling and acting thereunder and in accordance therewith, has, in the interest of and for the preservation of the public health, duly rescinded all previous Rules and Regulations pertaining to the construction or installation of cesspools or septic tank systems adopted by the Board of Health, Town of Acton, and has duly made and adopted the following rules and regulations pertaining to the construction or installation of on-lot sewerage disposal works.
- Regulation 11-2. The provisions of the Department of Environmental Protection, Commonwealth of Massachusetts, 310 CMR 15.000, The State Environmental Code, Title 5: Standard Requirements for the siting, construction, inspection, upgrade and expansion of on site sewage treatment & disposal systems & for the treatment & disposal of septage plus any and all amendments and additions thereto, apply to all permits issued by the Board of Health, Town of Acton. Where the following rules and regulations of the Town are more stringent, they shall prevail. All work done by permit shall conform to the specifications, workmanship and requirements of the State and town rules and regulations. Any variance, additional clarification or unusual conditions not covered herein shall be noted in writing on the original Disposal Works Installation Permit Application, any variance approved, shall become a part of the permit.
- Regulations 11-3 Permits
- 11-3.1 All sewerage work permits issued by the Board of Health shall expire two (2) years from date of issue. (amended 12/18/84)
Permits may be renewed for one year after an expiration but no more than two renewals can be granted.
- 11-3.2 All Disposal Works Installers shall obtain a Disposal Works Installer's permit from the Board of Health. Such permit shall expire at the end of each calendar year. (Refer to fee schedule.) Applicants for such permits shall submit in writing a list of three (3) references (preferably State and local health inspectors) who can attest to the experience of the applicant in construction or repair of sewage disposal works. For good and sufficient reason, the Board of Health may waive this regulation.

Regulation 11-4 Fees

- 11-4.1 The fee for a permit for sewage disposal installation shall be recommended by the Acton Board of Health and approved by the Acton Board of Selectmen.
- 11-4.2 There shall be a fee recommended by the Acton Board of Health and approved by the Acton Board of Selectmen for the witnessing of percolation tests and deep observation holes based upon the maximum number of percolation tests and deep test holes to be conducted at a site. A percolation testing and deep observation hole testing permit will be good for one year from date of issue.

Regulation 11-5 Soil Classification

- 11-5.1 Deep test holes, for determining the Estimated Seasonal High Groundwater Elevation, within Aquifer Zones 1, 2 and 3 (as defined in Article 16) for lots without a present onsite sewage disposal system, may not be excavated in June, July, August, September, and October.
- 11-5.2 Depending on the soil conditions it may be necessary to increase the number of deep test holes.
- 11-5.3 The Acton Board of Health shall schedule the time and place that such tests are to be made in conjunction with the owner, developer or agent of the land.

Regulation 11-6 Deep test holes witnessed by the Board of Health for the purpose of determining maximum groundwater elevation, within Aquifer Zones 1, 2, and 3 (as defined by Article 16), during the wettest season of the year may be excavated beginning November 1st of a calendar year and extending to May 31st of the next calendar year. The Board of Health will be the sole determinant as to whether or not maximum groundwater levels are in effect for the referenced months, or to utilize historical data pertinent to each site tested.
(amended 10/7/86)

Regulation 11-7 Minimum Distances

- 11-7.1 Disposal facilities shall be constructed not less than the minimum distances away from items listed in (15.211) of Title 5, State Environmental Code with the following additions.
- 11-7.2 No sewage disposal system with a capacity of less than 2,000 gallons per day shall be constructed within seventy-five (75) feet of any wetland (Any land area or surface area so defined by the

Massachusetts Wetland Protection Act, MGL, Ch. 131, s. 40 and/or the Town of Acton Wetlands Protection Bylaw.)

- 11-7.3 No sewage disposal system with a capacity of 2,000/day or over shall be constructed within one hundred (100) feet of any wetland (Any land area or surface area so defined by the Massachusetts Wetland Protection Act, MGL Ch. 131, s. 40 and/or the Town of Acton Wetlands Protection Bylaw)
- 11-7.4 In the area designated as the Flood Plain District by 'Flood Insurance Rate Map of the Town of Acton, Massachusetts, Map No. 2, plus the map index and street index' and the associated data provided in the 'Flood Insurance Study, Town of Acton, January 6, 1988, published by the U.S. Department of Housing and Urban Development, Federal Insurance Administration ('HUD Flood Insurance Study'), on-site waste disposal systems shall be located or designed so as to avoid impairment or contamination during flooding, and must comply with the Town of Acton Zoning Bylaw 4.1.
- 11-7.5 A sewage disposal system shall be located on the same lot as the structure it serves.
- 11-7.6 The Board of Health may grant variances to Regulation 11-7.5 if an applicant is able to document their ability to control the area where the septic system is located and if the applicant submits a financial plan detailing how the system will be maintained and replaced when necessary.

Regulation 11-8. Residential Septic Tanks - Minimum Requirements

- 11-8.1 Schedule 40 p.v.c. requires an approved sleeve where the pipe goes through the building foundation.
- 11-8.2 All residential septic tanks, cesspools, or other structures shall have their contents pumped out at least once every two years by a septage hauler licensed by the Town of Acton.
 - 11-8.2.1 Septage Haulers shall be licensed by the Board of Health. A fee set by the Board of Health shall be required for said license. Septage Haulers licenses shall be valid for a period of one year, unless revoked for cause by the Board of Health, to run with the calendar year in accordance with 310 CMR 15.02 (3) Septage Handlers Permit. (amended date 3/24/87).
- 11-8.3 Business, industrial or any other type use of septic tank and/or grease traps shall have their contents pumped out by a

septage hauler licensed by the Town of Acton as follows:

Septic tank 1,000 gal & under - once/ 2yrs. Minimum

Septic tank over 1,000 gal - once/ yr. minimum

11-8.3.1 Grease traps shall be inspected monthly and cleaned, by a septage hauler licensed in the Town of Acton, whenever the level of grease is 25% of the effective depth of the trap, or at least every three months, whichever is sooner. This pumping shall be reported to the Health Department office within thirty (30) days of its occurrence.

11-8.4 Septic tanks and grease traps may be required to be pumped at more frequent intervals if directed by the Board of Health.

11-8.5 All septic tanks in which a Department of Environmental Protection approved effluent filter has been installed shall have the cover over the effluent filter built to the final grade elevation with a cast iron manhole frame and cover or approved equivalent.

11-8.6 No electrical connections or wire splices are to be made inside a pump/dosing chamber, septic tank, tight tank, or riser to any of the aforementioned vessels, unless sealed in watertight and airtight NEMA approved enclosures. It is preferred that all electrical connections and wire splices shall be made on the outside of any of the aforementioned vessels in the appropriate enclosures.

Regulation 11-9 Leaching facilities - Minimum requirements

11-9.1 Leaching facilities for any use shall be constructed to meet the requirements given in Tables 1 and 2. Leaching facilities with less than 800 square feet of leaching area shall be required to add an additional settling tank of equal or greater size than the septic tank or employ pressurized distribution through a dosing system. Said pressurized distribution shall adhere to 11-9.8.

11-9.2 The Board of Health may request that certain trees or foliage be removed if in their estimation they feel said trees may develop root growth that may interfere with proper operation of the system.

11-9.3 Leaching works constructed in areas where the underlying natural soil material is not sharp coarse sand or sharp gravel shall have a minimum of 6" of Title 5 Fill Material (as defined in 310 CMR 15.355(3)) placed beneath the stone.

11-9.4 The Board of Health or its agents may require this minimum 6" of gravel at its discretion, regardless of the type of underlying soil material.

Table 1				
Bottom LTAR (gpd/sq. ft.)				
MPI	Class I Soils	Class II Soils	Class III Soils	Class IV Soils
2	0.5	0.5	x	x
3	0.515	0.515	x	x
4	0.53	0.53	x	x
5	0.545	0.545	x	x
6	0.56	0.56	x	x
7	0.545	0.545	x	x
8	0.53	0.53	x	x
9	0.515	0.515	x	x
10	0.5	0.5	x	x
11	x	0.474	x	x
12	x	0.448	x	x
13	x	0.422	x	x
14	x	0.396	x	x
15	x	0.37	0.37	x
16	x	0.362	0.362	x
17	x	0.354	0.354	x
18	x	0.346	0.346	x
19	x	0.338	0.338	x
20	x	0.33	0.33	x
21	x	0.3	0.3	x
22	x	0.2925	0.2875	x
23	x	0.285	0.275	x
24	x	0.2775	0.2625	x
25	x	0.27	0.25	x
26	x	0.26	0.24	x
27	x	0.25	0.23	x
28	x	0.24	0.22	x
29	x	0.23	0.21	x
30	x	0.22	0.2	x
31	x	0.2155	0.195	x
32	x	0.211	0.19	x
33	x	0.2065	0.185	x
34	x	0.202	0.18	x
35	x	0.1975	0.175	x
36	x	0.193	0.17	x
37	x	0.1885	0.165	x
38	x	0.184	0.16	x
39	x	0.1795	0.155	x
40	x	0.175	0.15	x
41	x	x	0.1475	x
42	x	x	0.145	x
43	x	x	0.1425	x
44	x	x	0.14	x
45	x	x	0.1375	x
46	x	x	0.135	x
47	x	x	0.1325	x
48	x	x	0.13	x
49	x	x	0.1275	x
50	x	x	0.125	0.12
51	x	x	0.1225	0.118
52	x	x	0.12	0.116
53	x	x	0.1175	0.114
54	x	x	0.115	0.112
55	x	x	0.1125	0.11
56	x	x	0.11	0.108
57	x	x	0.1075	0.106
58	x	x	0.105	0.104
59	x	x	0.1025	0.102
60	x	x	0.1	0.1

Table 2				
Sidewall LTAR (gpd/sq. ft.)				
MPI	Class I Soils	Class II Soils	Class III Soils	Class IV Soils
2	0.74	0.6	x	x
3	0.74	0.6	x	x
4	0.74	0.6	x	x
5	0.72	0.6	x	x
6	0.7	0.6	x	x
7	0.68	0.6	x	x
8	0.66	0.6	x	x
9	0.66	0.6	x	x
10	0.66	0.6	x	x
11	x	0.592	x	x
12	x	0.584	x	x
13	x	0.576	x	x
14	x	0.568	x	x
15	x	0.56	0.37	x
16	x	0.548	0.364	x
17	x	0.536	0.358	x
18	x	0.524	0.352	x
19	x	0.512	0.346	x
20	x	0.5	0.34	x
21	x	0.36	0.3	x
22	x	0.345	0.3	x
23	x	0.33	0.3	x
24	x	0.315	0.3	x
25	x	0.3	0.3	x
26	x	0.29	0.29	x
27	x	0.28	0.28	x
28	x	0.27	0.27	x
29	x	0.26	0.26	x
30	x	0.25	0.25	x
31	x	0.247	0.245	x
32	x	0.244	0.24	x
33	x	0.241	0.235	x
34	x	0.238	0.23	x
35	x	0.235	0.225	x
36	x	0.232	0.22	x
37	x	0.229	0.215	x
38	x	0.226	0.21	x
39	x	0.223	0.205	x
40	x	0.22	0.2	x
41	x	x	0.1975	x
42	x	x	0.195	x
43	x	x	0.1925	x
44	x	x	0.19	x
45	x	x	0.1875	x
46	x	x	0.185	x
47	x	x	0.1825	x
48	x	x	0.18	x
49	x	x	0.1775	x
50	x	x	0.175	0.15
51	x	x	0.1725	0.1475
52	x	x	0.17	0.145
53	x	x	0.1675	0.1425
54	x	x	0.165	0.14
55	x	x	0.1625	0.1375
56	x	x	0.16	0.135
57	x	x	0.1575	0.1325
58	x	x	0.155	0.13
59	x	x	0.1525	0.1275
60	x	x	0.15	0.125

- 11-9.5 The 4'-0" minimum requirement of naturally occurring pervious soil material may not be lessened in order to provide room for this requirement.
- 11-9.6 The minimum depth of clean washed stone 3/4" - 1 1/2" in size shall be 12 inches measured below the invert of the distribution pipes.
- 11-9.6.1 A variance may be granted to 11-9.6 by the Health Director if the following conditions are met:
- 1) A Department of Environmental Protection approved effluent filter is installed in the last outlet tee of the septic tank.
 - 2) A two-compartment septic tank is installed in lieu of a single compartment tank
 - 3) No other variances to Acton Board of Health Regulations or 310 CMR 15.000 are requested.
- 11-9.7 The minimum distance between sidewalls of leaching trenches must be twelve (12) feet when the area between trenches is used for a reserve area. (amended 8/17/92)
- 11-9.8 Leaching facilities utilizing pressure distribution of effluent shall be designed, installed and maintained in accordance with the most recent versions of the Town of Acton Guidance for the Design, Installation and Maintenance of Low-Pressure Pipe (Pressure Distributed) Soil Absorption Systems and the Department of Environmental Protection Title 5 Pressure Distribution Guidance.
- 11-9.9 Leaching facilities for new construction, when built in areas where the percolation rate is greater than 30 minutes per inch, shall be preceded by a wastewater treatment system that meets the following treatment standards:
- | | |
|------------------|-------------------|
| Parameter | Quarterly Average |
| BOD ₅ | 30 mg/L |
| TSS | 30 mg/L |
| Total Nitrogen | 19 mg/L |
- 11-9.10 Aggregate-free leaching facilities shall be designed and installed in accordance with the most recent Town of Acton Guidance for the Design and Installation of Aggregate-Free Leaching Facilities.

Regulation 11-10 Subdivision Requirements

- 11-10.1 Extreme care shall be practiced on the layout of a subdivision in unsewered areas. The number of lots to be tested in a subdivision shall be determined by the Board of Health based on the site examination. Such tests shall include deep observation holes and percolation tests for each area selected.

A permit shall be required for each individual house lot per Regulation 11-3 but information from prior testing for subdivision approval can be used providing the leaching area falls within the area previously tested.

Regulation 11-11. Backfill

11-11.1 All lines in leaching facilities shall be left uncovered until after inspection. Contractors shall leave the cover off the distribution box and have ten (10) gallons of water on site for use of the inspector to test the level of the distribution box and outlet water flow.

11-11.2 The owner shall take the necessary precautions to see that the works are not damaged by surface waters, animals or other agents while awaiting inspection.

11-11.3 All leaching facilities, except for those under pavement, shall have a final cover of sufficient loam to support a dense vegetative cover, preferably grass. Those leaching facilities and other parts of the subsurface sewage disposal system in paved areas shall be insulated when necessary to prevent freezing.

Regulation 11-12 Occupancy Permits

11-12.1 A Certificate of Occupancy shall not be issued until a certificate of compliance shall have been issued first indicating that the sewage disposal has been located and constructed in compliance with the terms of the permits and the requirements of this code and Title 5 of the State Environmental Code. All applications for occupancy of houses without town water must be accompanied by a report from an approved private laboratory, certifying that the quality of the potable water meets the requirements of the U.S. Public Health Service recommendations for drinking water. The quantity of water should be 5 gallons per minute for 4 hours continuous pumping to meet F.H.A. and V.A. requirements.

11-12.2 An application for an occupancy permit shall constitute a permit when signed by the Building Inspector, Gas and Plumbing Inspector and the Board of Health.

Regulation 11-13 Nuisance

11-13.1 Every owner or occupant of a premises in which there is a local sewage disposal works shall keep the same in a sanitary condition and shall have the same emptied and cleaned when necessary. The Board of Health can determine

the necessity for emptying and cleaning a sewage disposal works. No septic tank, cesspool or leaching pit shall be emptied except by persons licensed by the Board of Health. If the owner or occupant fails to comply with such order, the Board may cause the nuisance, source of filth, or cause of sickness to be removed, and all expenses incurred thereby shall be paid by the person who caused or permitted same, if he has had actual notice from the Board of Health of the existence thereof.

Regulation 11-15 Variances

11-15.1 Variances may be granted as follows:

The Board of Health may vary the application of any provisions of this Article with respect to any particular case when, in its opinion (1) the enforcement therefore would do manifest injustice; and (2) the applicant has proved that the same degree of environmental protection required under this article can be achieved without strict application of the particular provision.

11-15.2 The Board of Health may issue order of conditions consistent with Regulation 11-1 to any permit that is granted with Variances to this Article.

Guidance for the
Design, Installation and Maintenance
Of
Low Pressure Pipe (Pressure Distributed)
Soil Absorption Systems

Acton Board of Health

Brent L. Reagor, RS

Introduction

With the increased focus on low-pressure pipe system leach fields brought about by Title 5 regulations for systems over 2000 gpd and MA DEP General/Provisional/Remedial Use Approval conditions on Innovative/Alternative Technologies and the unique conditions that exist in the Town of Acton, the Health Department has decided to author this guidance document for the design, installation, operation, and maintenance of Low-Pressure Pipe Soil Absorption System.

A number of sources of information were consulted during the formation of this guidance, these include:

1. MA DEP Title V
2. MA DEP Innovative/Alternative Technology Use Approval Guidelines
3. Draft Pressure Distribution Guidance (1/18/95) from MA DEP
4. Design Guidance for Shallow Trench Low Pressure Pipe Systems by Eric Winkler, PhD, UMASS-Amherst
5. State regulations and guidance documents for low-pressure pipe systems from: Oregon, North Carolina, Wisconsin, Tennessee, Ohio, Connecticut, Virginia, New Jersey and Pennsylvania
6. Onsite Wastewater Treatment Systems by Burks and Minnis
7. Wastewater Engineering Design for Unsewered Areas by Laak
8. Notes taken from presentations at the joint MHOA/MEHA conference titled, “The ABC’s of Pressure Dosing”
9. EPA fact sheets on Low Pressure Pipe Systems
10. Orenco Systems Inc. proprietary documents for their systems
11. Design of Pressure Distribution Networks for Septic Tank-Soil Absorption Systems by Richard J. Otis, Ph.D., University of Wisconsin

Pressure Distribution Basics

The pressure-distributed absorption system (or low pressure pipe system) is made up of a network of 1” to 3” perforated pipes (laterals) that are connected to each other by an end or central manifold of a larger diameter. Since the network is pressurized using one or more pumps, uniform distribution through the equally spaced perforations is achieved. The network should have no less than two-and-a-half (2.5) feet of “head” at the distal end of each lateral and there should be no more than ten percent (10%) variation in the pressure between the manifold and the distal end.

Design

1. Determine the daily design flow of the system based on 310 CMR 15.000, just as in conventional gravity fed systems.
2. Determine the appropriate size of septic tank according to 310 CMR 15.000.
3. Design dosing chamber based upon the following guidelines.
 - a. Dosing chamber must be of the appropriate size to store a minimum of one day of design flow above the high water alarm float if only one pump is used. If two pumps are used, then the dosing chamber must have an emergency storage capacity equal to 1.5 times the average system dose. Access to the pumps must be provided at final grade.
 - b. The dosing pump must use mercury float, diaphragm, or other reliable on, off and high water alarm switches. The alarm switch should be wired back into the building on a separate circuit from the pump and equipped with both visual and auditory alarms.
 - c. The pump should be set to dose at least 3 times per twenty-four hour period. All doses should be of equal volume plus the effluent which drains out of the dosing chamber “weep hole” during dosing, and the effluent that drains back to the dosing chamber after the pump turns off at the end of each dose.
 - d. The pump should be equipped with a “quick disconnect” fitting that allows the pump to be easily removed from the chamber without entry for routine inspections and maintenance.
 - e. The sewage effluent pump(s) and the chamber must meet Massachusetts standards as set forth in 310 CMR 15.221 and the chamber should also meet the requirements for tank construction set forth in 310 CMR 15.226.
 - f. Dual alternating pumps must be installed in all chambers except those serving two dwelling units or less. Either pump should be able to dose the entire leach field.
 - g. The dosing chamber and pump(s) should meet all requirements set forth in 310 CMR 15.231
4. Determine size, shape and depth of absorption field or trench system
 - a. Leaching field or trenches should be designed according to 310 CMR 15.000 and Acton Article 11.
5. Layout the distribution network within the designed field or trench area.
 - a. Because of the flexibility of pressure-distributed soil absorption systems, laterals can be placed at different elevations and be of different lengths in order to meet site conditions.
 - b. Observation ports at least 6” in diameter must be designed one for each two (2) laterals.
 1. The ports must reach from the final grade of the system down to the soil interface below the laterals.
 2. The inspection ports should be designed and installed as shown in Figure 1
 - c. At the end of each lateral, a ninety- (90) degree electrical conduit sweep should be installed as shown in Figure 2.

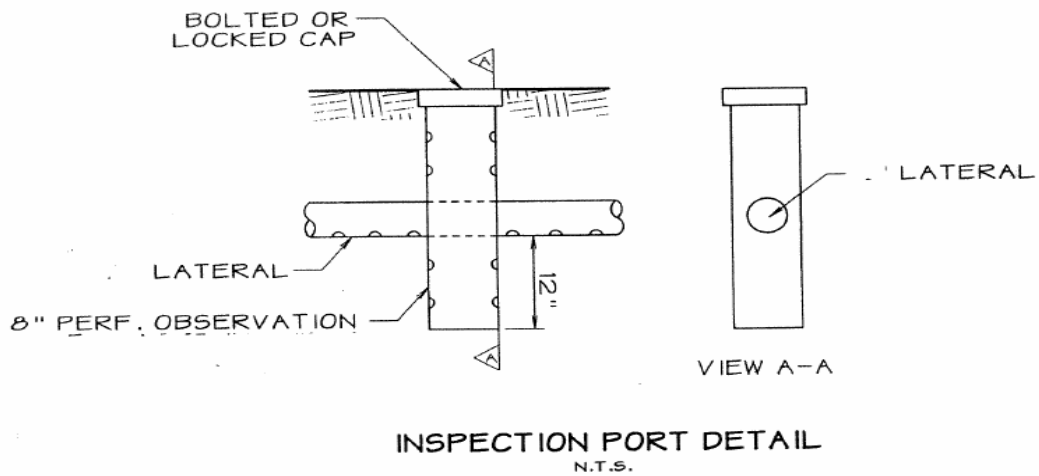


Figure 1: Typical 6" Inspection Port

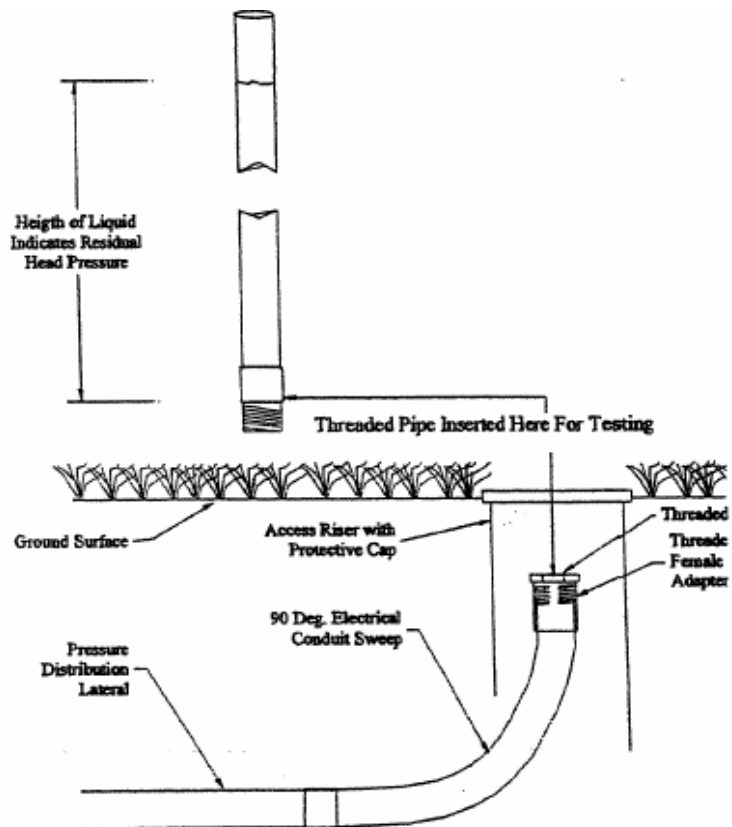


Figure 2: End of Lateral Line Conduit Sweep with Threaded Adapter (Heufelder, 2001)

6. Determine manifold type and location
 - a. Telescoping and constant diameter manifolds are both acceptable types of manifolds.
 - b. The manifold can be located at the end of the laterals, in the center of the laterals, or off-center of the laterals, depending on site conditions.
 - c. No matter the location selected, the manifold should be installed beneath the laterals.
7. Select perforation size, spacing, and orientation
 - a. An optimum perforation size of 0.25" is preferred. This size is large enough to prevent clogging, while not allowing for ponding of effluent.
 1. Perforation size can be selected from the following diameters:
 - a. 1/4"
 - b. 5/16"
 - c. 3/8"
 - d. 7/16"
 - e. 1/2"
 - f. 9/16"
 - g. 5/8"
 - b. Perforation spacing should be no more than five (5) feet, but can be selected based upon lateral length and site conditions.
 - c. A vent hole should be drilled horizontally at the distal end of each lateral cap near the base of the 90° sweep. This vent hole should be counted as a perforation when performing calculations.
 - d. Perforations can be placed at the 6 o'clock position, the 5 and 7 o'clock positions or in the 12 o'clock position. Orifice shields are required no matter which perforation orientation is chosen.
 1. Orifice shields can consist of:
 - a. "Snap-on" variety attached at each orifice
 - b. Use of a plastic leaching chamber (Infiltrator, Cultec) installed over the entire lateral length.
 - c. Minimum 8" diameter SCH 40 PVC pipe cut in half lengthwise and installed over the entire lateral length.
 2. If the perforations are placed in the 12 o'clock position, one drain hole, of equal diameter to the perforations shall be drilled in the 6 o'clock position for every three-(3) perforations.
8. Determine the lateral pipe diameter
 - a. Once the perforation size and spacing has been determined, use Figures 2-8 to calculate lateral length.

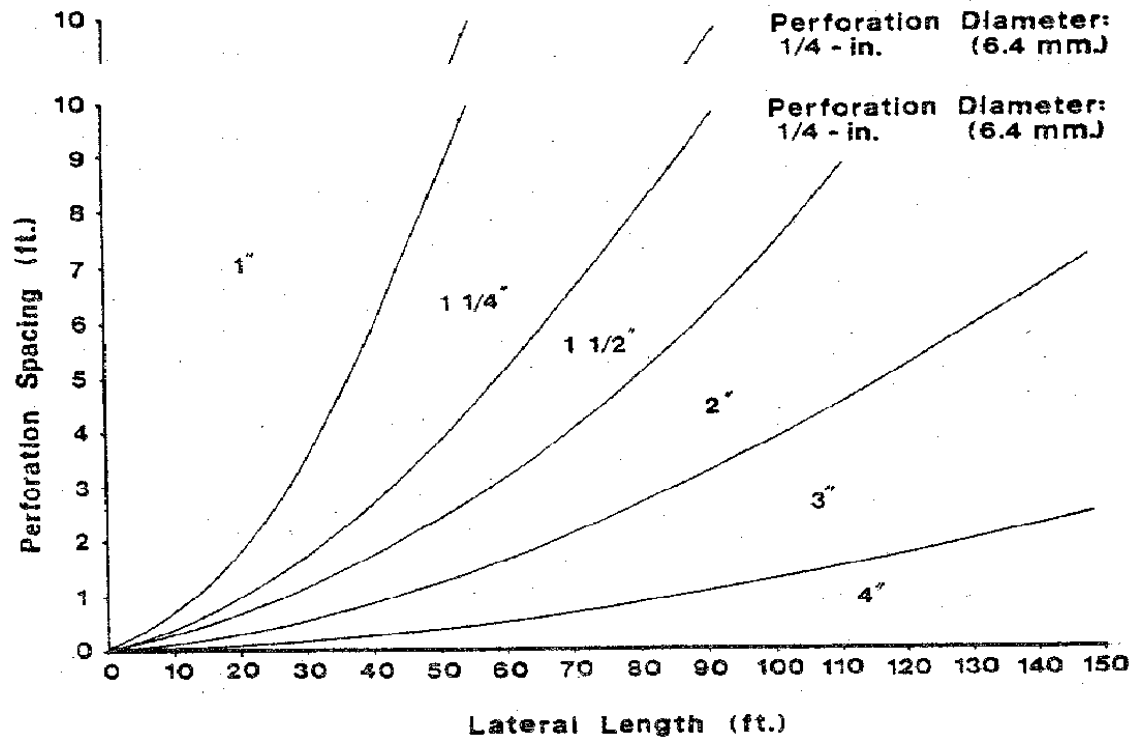
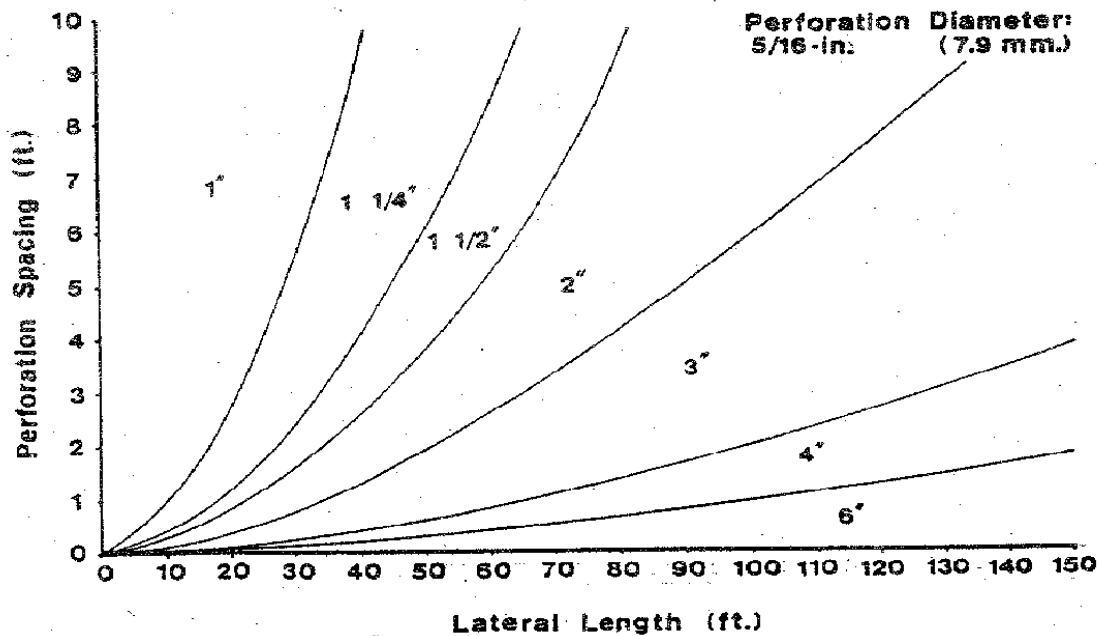
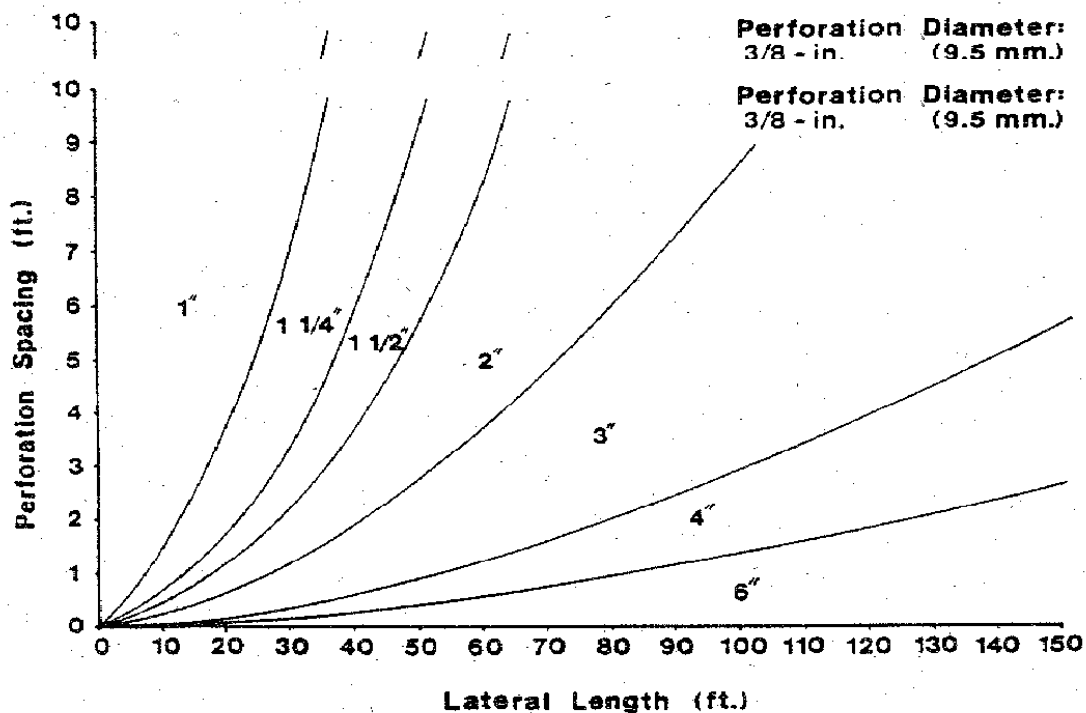


Figure 2: Minimum Lateral Diameter for Plastic Pipe ($C_h = 150$) Versus Perforation Spacing and Lateral Length for 1/4 in. Diameter Perforations (Otis, 1981)



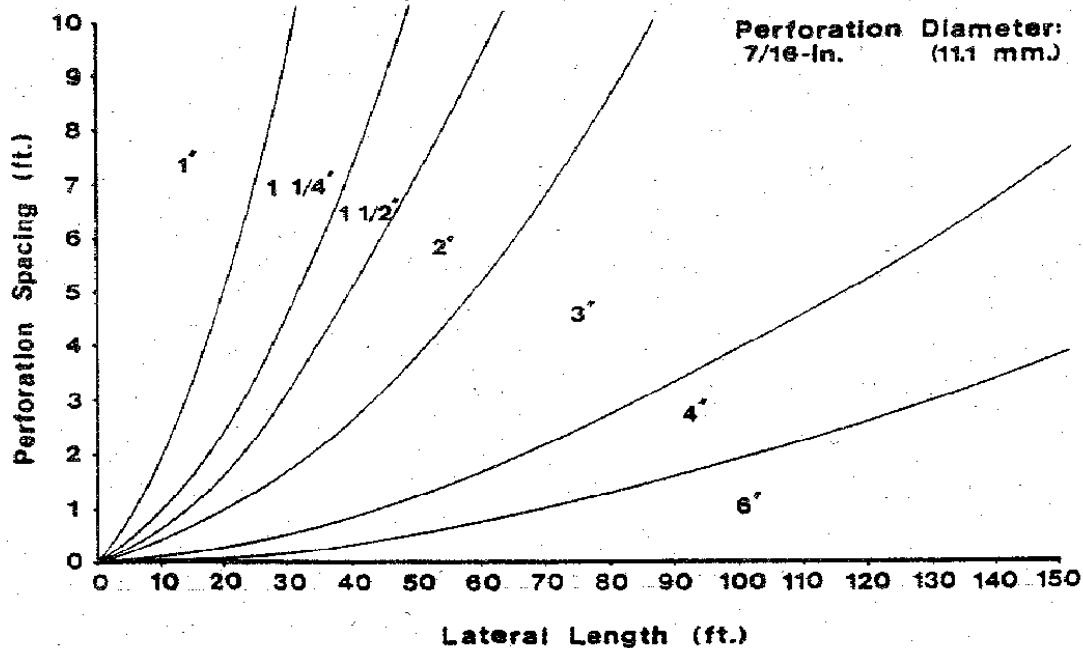
Minimum Lateral Diameter for Plastic Pipe ($C_h = 150$) Versus Perforation Spacing and Lateral Length for 5/16 in. Diameter Perforations (Otis, 1981)

Figure 3: Minimum Lateral Diameter vs. Perforation Spacing and Lateral Length



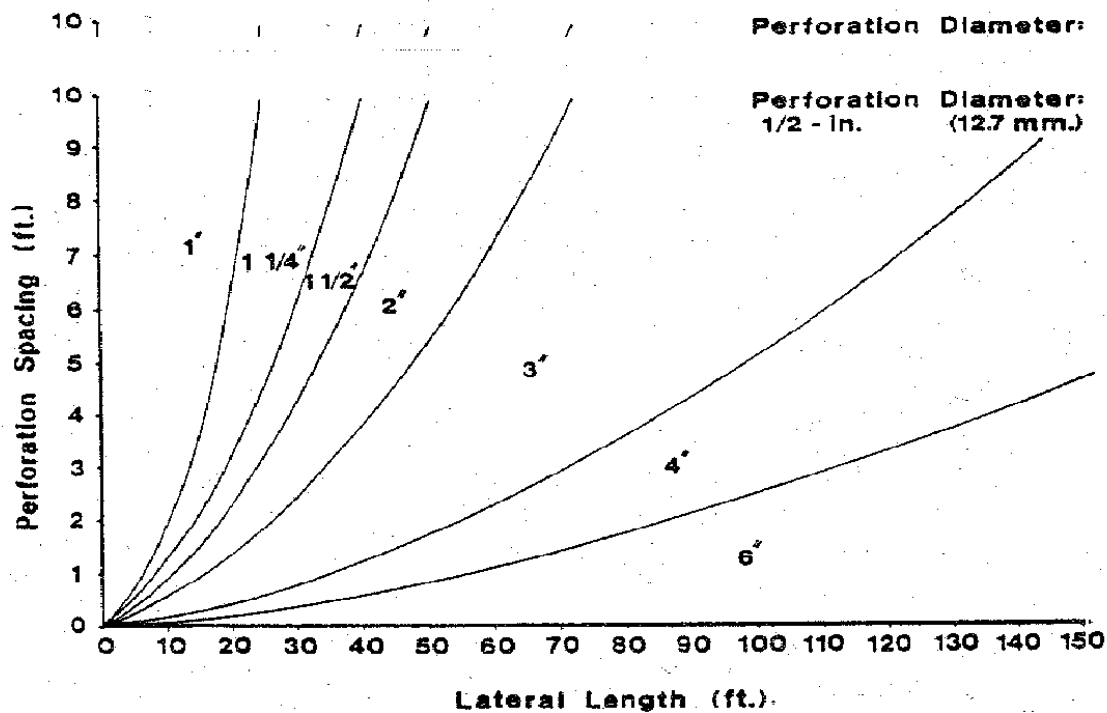
Minimum Lateral Diameter for Plastic Pipe ($C_h = 150$) Versus Perforation Spacing and Lateral Length for 3/8 in. Diameter Perforations (Otis, 1981)

Figure 4: Minimum Lateral Diameter vs. Perforation Spacing and Lateral Length

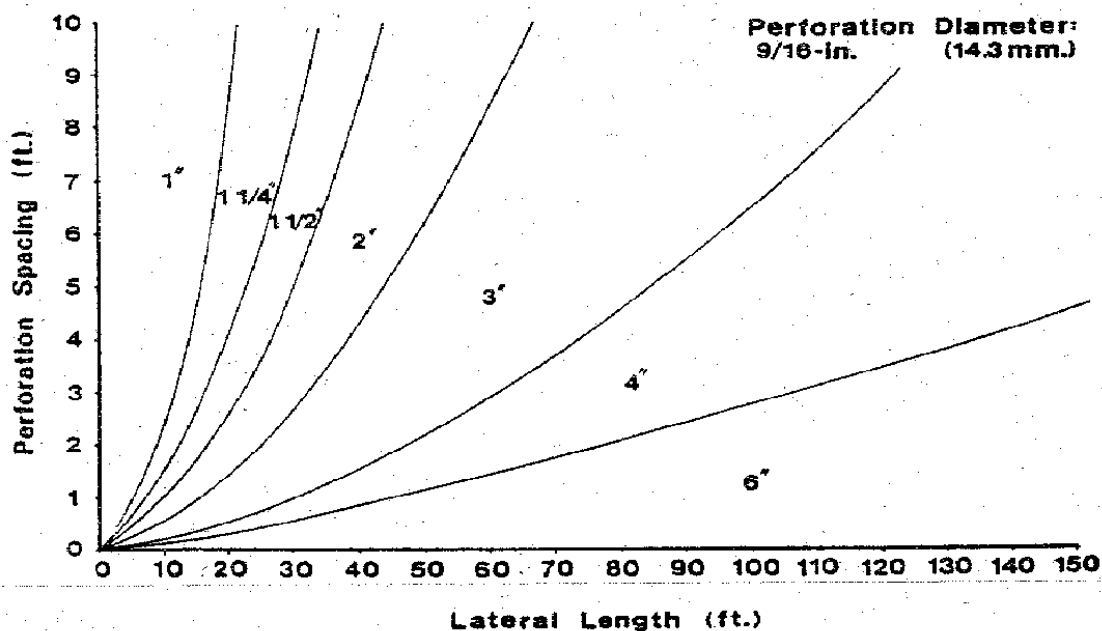


Minimum Lateral Diameter for Plastic Pipe ($C_h = 150$) Versus Perforation Spacing and Lateral Length for 7/16 in. Diameter Perforations (Otis, 1981)

Figure 5: Minimum Lateral Diameter vs. Perforation Spacing and Lateral Length

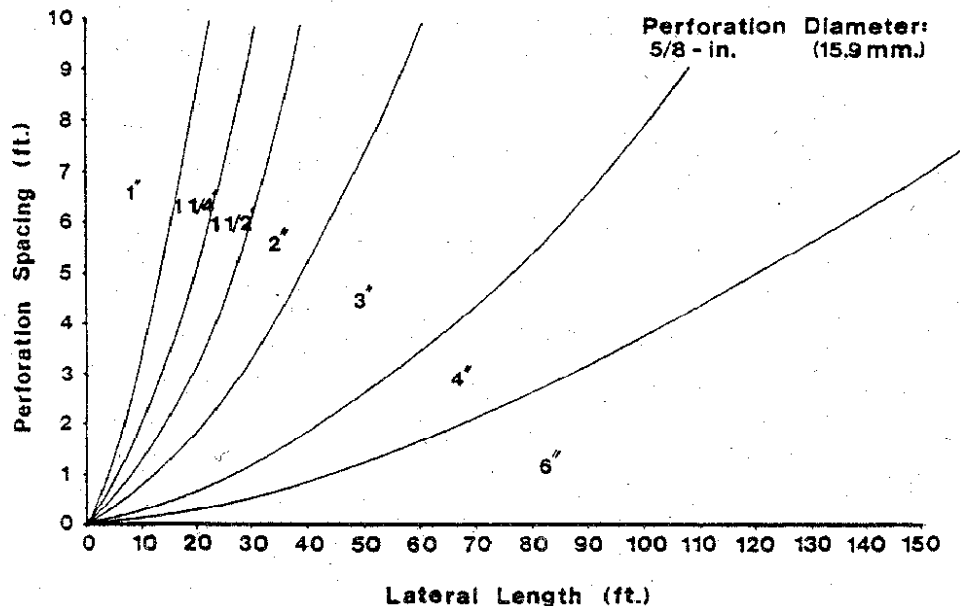


Minimum Lateral Diameter for Plastic Pipe ($C_h = 150$) Versus Perforation Spacing and Lateral Length for 1/2 in. Diameter Perforations (Otis, 1981)



Minimum Lateral Diameter for Plastic Pipe ($C_h = 150$) Versus Perforation Spacing and Lateral Length for 9/16-in. Diameter Perforations (Otis, 1981)

Figure 7: Minimum Lateral Diameter vs. Perforation Spacing and Lateral Length



Minimum Lateral Diameter for Plastic Pipe ($C_h = 150$) Versus Perforation Spacing and Lateral Length for 5/8 in. Diameter Perforations (Otis, 1981)

Figure 8: Minimum Lateral Diameter vs. Perforation Spacing and Lateral Length

Perforation Discharge Rates versus
Perforation Diameter and In-Line Pressure (Otis, 1981)

9. Calculate the lateral discharge rate

In-Line Pressure (ft)	Perforation Diameter (in)						
	1/4	5/16	3/8	7/16	1/2	9/16	5/8
	1. ----- Perforations per Lateral ----- Lateral Length -----						
1.0	0.74	1.15	1.66	2.25	2.95	3.73	4.60
1.5	0.90	1.41	2.03	2.76	3.61	4.57	5.64
2.0	1.04	1.63	2.34	3.19	4.17	5.27	6.51
2.5	1.17	1.82	2.62	3.57	4.66	5.90	7.28
3.0	1.28	1.99	2.91	3.91	5.10	6.46	7.97
3.5	1.38	2.15	3.10	4.22	5.51	6.98	8.61
4.0	1.47	2.30	3.31	4.51	5.89	7.46	9.21
4.5	1.56	2.44	3.52	4.79	6.25	7.91	9.77
5.0	1.65	2.57	3.71	5.04	6.59	8.34	10.29

q = perforation discharge rate (gpm)
 d = perforation diameter (inches)
 h_d = head pressure (feet)

- b. Use Table 1

Table 1: Perforation Discharge Rates in Gallons Per Minute vs. Perforation Diameter and In-Line Pressure (adapted from Otis, 1981)

In-Line Pressure “head” (ft)	Perforation Diameter (inches)							
	1/8	1/4	5/16	3/8	7/16	1/2	9/16	5/8
2.5	0.29	1.17	1.82	2.62	3.57	4.66	5.90	7.28
3.0	0.32	1.28	1.99	2.87	3.91	5.10	6.46	7.97
3.5	0.34	1.38	2.15	3.10	4.22	5.51	6.98	8.61
4.0	0.37	1.47	2.30	3.31	4.51	5.89	7.46	9.21
4.5	0.39	1.56	2.44	3.52	4.79	6.25	7.91	9.77
5.0	0.41	1.65	2.57	3.71	5.04	6.59	8.34	10.29

3. Using the following formula, calculate the discharge rate for each lateral.

a. Lateral Discharge Rate = $N \times q$, where:

N = number of perforations in the lateral

q = perforation discharge rate

10. Calculate the Manifold Diameter

a. Uniform diameter manifold, use table 2

Table 2: Maximum Manifold Length (ft) for Various Manifold Diameters Given the Lateral Discharge Rate and the Lateral Spacing (from: Otis, 1981)

Lateral Discharge Rate	Manifold Diameter = 1.25"	Manifold Diameter = 1.5"	Manifold Diameter = 2.0"	Manifold Diameter = 3.0"	Manifold Diameter = 4.0"	Manifold Diameter = 5.0"
End Manifold	Lateral Spacing (ft)	Lateral Spacing (ft)	Lateral Spacing (ft)	Lateral Spacing (ft)	Lateral Spacing (ft)	Lateral Spacing (ft)
Center Manifold	2 4 6 8 10	2 4 6 8 10	2 4 6 8 10	2 4 6 8 10	2 4 6 8 10	2 4 6 8 10
10 / 5	4 8 6 8 10	10 8 12 16 20	12 16 24 24 30	26 40 48 56 70	42 64 84 96 110	84 134 174 200 240
20 / 10	4 4 6	4 4 6 8 10	6 8 12 16 20	16 24 30 32 40	26 40 54 64 70	54 84 106 128 150
30 / 15	2	2 4 6	4 8 6 8 10	12 16 24 24 30	20 26 36 48 60	42 64 84 96 110
40 / 20			4 4 6 8 10	10 12 18 16 20	16 24 30 32 40	34 52 66 80 90
50 / 25			2 4 6 8	8 12 12 16 20	14 20 24 32 40	30 44 60 72 80
60 / 30			2 4	8 12 18 16 20	12 16 24 24 30	26 40 48 64 70
70 / 35			2	6 8 12 8 10	10 16 18 24 30	24 36 48 56 60
80 / 40			2	6 8 6 8 10	10 12 18 16 20	22 32 42 46 60
90 / 45			2	4 8 6 8 10	8 12 18 16 20	20 28 42 46 50
100 / 50				4 4 6 8 10	8 12 12 16 20	18 28 36 40 50
110 / 55				4 4 6 8 10	8 12 12 16 20	16 24 36 40 40
120 / 60				4 4 6 8 10	6 8 12 16 10	16 24 30 32 40
130 / 65				4 4 6 8 10	6 8 12 16 10	14 24 30 32 40
140 / 70				2 4 6 8	6 8 12 8 10	14 24 30 32 40
150 / 75				2 4 6	6 8 12 8 10	14 20 24 32 30
160 / 80				2 4 6	6 8 6 8 10	12 20 24 32 30
170 / 85				2 4 6	4 8 6 8 10	12 20 24 24 30
180 / 90				2 4	4 8 6 8 10	12 16 24 24 30
190 / 95				2 4	4 8 6 8 10	12 16 18 24 30
200 / 100				2 4	4 4 6 8 10	10 16 18 24 30

- b. Telescoping diameter manifold, use the following procedure
1. Determine the flow (gpm) in each manifold segment by adding the discharge rates of the laterals “downstream” of the segment.
 2. Use the following equation to calculate F_i (empirical friction factors) values in each manifold segment:

$$F_i = (9.8 \times 10^{-4}) Q_i^{1.85}, \text{ where}$$

Q_i = flow in each manifold segment (gpm)

3. The manifold diameter can then be calculated using the formula below

$$D_m = \left[\frac{\sum_{i=1}^M L_i F_i}{f h_d} \right]^{0.21}, \text{ where}$$

D_m = Manifold diameter (inches)

M = Number of manifold segments

L_i = Length of each manifold segment (feet)

f = Friction of the total headloss desired for that manifold segment or that series of segments

h_d = head pressure (feet)

F_i = Empirical friction factor

To insure that headloss is less than 10%, f must be less than or equal to 0.1

11. Determine the dose volume

- a. Calculate the required dose volume

$$\frac{\text{Average daily flow}}{\text{Dosing Frequency}} = \text{Required Dose Volume}$$

- b. The minimum dose volume should be 5x to 10x of the total pipe volume.

1. The total pipe volume can be determined by the following equation, if using all laterals of equal length.

$$\text{Total Pipe Volume (gallons)} = (\# \text{ of laterals}) [(\pi r^2) (\text{length of laterals})] (7.48)$$

Make sure to convert the pipe radius to feet!

2. If all the laterals in the system are not of equal length, use the formula above to determine the volume of each lateral and sum them together.

12. Calculate the minimum pump discharge rate

- a. Either sum the lateral discharge rates or the perforation discharge rates to reach this value

13. Determine the Total Friction Losses for the system
 - a. Calculate the losses for the delivery system

Friction Loss = $L_d(3.55Q_m / C_h D_d^{2.63})^{1.85}$, where

L_d = length of the pipe from the dosing chamber to the SAS inlet (feet)
make sure to calculate equivalent lengths for all fittings!
 Q_m = discharge rate calculated in step #12
 C_h = 150 (for plastic pipe)
 D_d = diameter of the pipe (inches)
 - b. Calculate the losses for the distribution network
 1. Friction Loss = $1.31h_d$, where

h_d = distal pressure selected for the network
 - c. Sum the losses for the delivery system and the distribution network
14. Select the pump unit(s)
 - a. Sum together the static lift (*the difference in elevation between the “off” level in the dosing chamber and the lateral invert elevations*) and the total friction loss to determine the Total Dynamic Head (TDH).
 - b. Using manufacturer supplied curves; a pump can be selected as a function of TDH vs. discharge volume.
15. Size the dosing chamber
 - a. The size of the dosing chamber is based on the dosing volume determined in Step #11
 - b. If only one pump unit is being used, then the chamber must have an emergency storage capacity above the high water alarm float that is equal to the average daily flow.
 - c. If two pumps are utilized, the emergency storage capacity must equal 1.5 times the system dose.
16. Effluent Filter
 - a. An MADEP approved effluent filter should be installed in the final outlet tee before the dosing chamber.
 1. The filter should be installed according to the manufacturer’s directions
 2. On large systems (over 2000gpd) the installation of an alarm system to notify the system owner when the filter is becoming clogged is encouraged.
17. Control Panels and Systems
 - a. In all systems, event counters for the dosing chamber and elapsed time meters for the pumps are encouraged.
 - b. Control panels should be easily accessible.
18. Plan Submittal to the Board of Health

- a. At least three - (3) copies of the plans for the system must be submitted to the Board of Health office for review.
- b. The plans must be drawn in accordance with 310 CMR 15.220
- c. In addition to the requirements set forth in 310 CMR 15.220, the following items must be included on all plans.
 - 1. Details on all components of the system, to include (all of these may not be on every plan).
 - a. Manifold
 - b. Laterals
 - c. Pump(s)
 - d. Dosing Chamber
 - e. Septic Tank
 - f. Inspection Ports
 - g. Junction Box
 - h. Elapsed Time Meters
 - i. Event Counters
 - j. Control Panels
- d. All relevant calculations must be either included on the plans or on easily readable separate sheets submitted at the same time as the plans.

Installation

1. Installation of the System

- a. Systems should be installed in accordance with the provisions set forth in 310 CMR 15.000 and Acton BOH regulations.
- b. In addition to the requirements set forth in 310 CMR 15.000 and Acton Article 11, the following installation requirements must be followed.
 - 1. Orifices, vent holes, weep holes shall be drilled in a controlled environment before the pipes are transported to the installation site.
 - 2. All “burrs” should be sufficiently filed off all orifice, vent hole and weep hole surfaces before the pipes are placed in the ground.
 - 3. When diameter of any pipe changes from section to section, PVC reducing fittings must be used (no rubber fittings allowed).
- c. It is the responsibility of the installer to contact the Board of Health and arrange for the following inspections during the installation of the system.
 - 1. Bottom of excavation
 - 2. Fill material (Sand and Stone)
 - 3. Orifices at installation site
 - 4. Septic Tank and Effluent Filter
 - 5. Dosing Chamber
 - 6. Installed network before it is covered
 - 7. Pump(s) and all other electrical components (including control panel)
 - 8. “Squirt Test”
 - 9. Installed network after it is covered with peastone.
- d. All of the following covers should be installed to final grade with either heavyweight or lockable access covers to prevent unauthorized entry into the system.

1. Access cover over the outlet of the septic tank where the effluent filter is installed for systems under 1000gpd.
 2. For those systems over 1000gpd, access covers over both the inlet and outlet of all septic tanks must be provided.
 3. Access cover leading to the pump(s) in the dosing chamber.
 4. Access covers for each inspection port. ("screw-down" type covers are acceptable)
 5. 6" diameter access cover (as per Figure 1) at the end of each lateral. ("screw-down" type covers are acceptable)
 6. Access covers for any electrical components or junction boxes.
2. System Documentation
- a. For the system owner
 1. A packet should be given to the system owner that includes the following:
 - a. Complete copy of the plans for the system, including the proposed and "As-built"
 - b. Copy of the maintenance contract (if applicable)
 - c. List of emergency telephone numbers to include:
 1. Design engineer
 2. Installer
 3. Maintenance provider
 4. System operator (if applicable)
 5. Local Board of Health
 2. A similar packet must also be submitted to the Board of Health, but it should also include a contact name and telephone number for the owner of the system.
 3. Another copy of the packet should be placed in a clear sleeve along with a circuit diagram of the electrical system for the pump(s) and controls. This sleeve should either be placed inside the control box on larger systems, or in a readily accessible place in the building(s) served by the system.

Maintenance

1. The system should be maintained in accordance with 310 CMR 15.000 and Acton BOH Regulations.
2. In addition to the state and local regulations, the following guidelines should be followed for all systems regardless of size.
 - a. The tank(s) including the dosing chamber should be pumped according to the following schedule
 1. Systems 1000gpd or less: at least once every 2 years
 2. Systems over 1000gpd: at least once a year.
 - b. The local Board of Health is to be notified when the high water alarm or the filter clog alarm is triggered.
3. For systems over 2000 gpd or those that serve commercial establishments, 2a and 2b should be adhered to, along with the following.
 - a. A maintenance contract shall be in place for the system.

1. This contract will cover all issues from the building sewer to the leach field, and all of the electrical components of the system.
 2. The contract will cover pumping of the system in accordance with this guidance document.
 2. No contract is to have a term less than one (1) year.
 3. A copy of the contract is to be placed on file with the local Board of Health.
- b. All inspection ports should be checked at every pumping and the conditions present in each port shall be logged in a permanent logbook.
1. This logbook shall be kept for the life of the system.
 2. Copies of the inspection logs shall be sent to the local Board of Health for review once per year.

Town of Acton

Guidance for the Design and Installation of Aggregate-Free Leaching Systems

Design

1. All designs must meet the standards set forth in the Department of Environmental Protection General Use Approval for the chosen technology.
2. The effective leaching area (ft²) must be calculated as set forth in the DEP General Use Approval.
3. The technology selected shall have a minimum invert height of 6”.
4. These technologies shall only be used in remedial situations
5. No variances to the Acton minimum leaching area of 800 ft² shall be granted.
6. Each trench must have an inspection port installed as per the manufacturer’s specifications to allow the inspection of the soil interface.
7. Beds/fields are required to have a minimum of one (1) inspection port per 400 ft².
8. The LTAR for Bottom Area (from Table 1 in Article 11) shall be used for calculations, sidewall LTARs are not applicable.
9. No variances to Acton LTARs shall be granted.
10. It must be demonstrated, through calculations shown on the plan, that the aggregate-free trenches provide equal or greater liquid volume storage than a conventional trench system for the same structure.

Installation

1. All installations shall be performed by a Town of Acton Licensed Disposal Works Installer that has been certified by the technology manufacturer to install the chambers. Proof of this certification must be provided to the Health Department.
2. In Class II and Class III soils, the trenches shall be backfilled with Title 5 sand (as defined in 310 CMR 15.355(3)) to an elevation 6” above the top of the chamber. Geotextile fabric (type to be approved by the Health Department) shall then be placed over the length of each trench. The excavation can then be backfilled with 9” minimum of clean backfill.
3. The trenches are not to be backfilled until they have been inspected by the Health Department.

**ARTICLE 12. MINIMUM STANDARDS FOR THE KEEPING OF ANIMALS (FARM)
AND DOMESTIC PETS IN OTHER THAN STOCK YARDS.**

Regulation 12-1. No person may maintain a horse (or horses) anywhere in the Town of Acton without first providing an approved stable.

Regulation 12-2. Permit to Erect

12-2.1 No person shall erect any stable in the Town of Acton until he has presented a petition therefore upon a prescribed form to the Board of Health and received a permit from the said Board. No permit will be issued for construction of a stable on any plot containing less than two (2) acres (87,120 square feet). This permit must be presented to the Building Inspector when application is made for the building permit.

Regulation 12-3. Permit to Use

12-3.1 No person shall use any building in the Town of Acton as a stable until he has presented a petition upon a prescribed form to the Board of Health and been granted a license authorizing such use.

Regulation 12-4. Construction of Stables

12-4.1 Every stable hereafter constructed in the Town of Acton shall be provided with a suitable watertight manure pit, unless the manure is removed daily in a manner satisfactory to the Board of Health. The stable shall be properly ventilated; the gutter and wash stand properly connected with an approved dry well unless otherwise allowed by the Board of Health.

Regulation 12-5. Disposal of Manure

12-5.1 No owner or occupant of a stable shall allow quantities of manure exceeding two cords to accumulate in or near said stable, and no manure shall be allowed to accumulate or remain uncovered outside of a stable building.

12-5.2 No person shall remove or carry any manure through any public or private street except in a proper vehicle and in such a manner that no manure shall be dropped on the street.

12-5.3 Manure pits shall be emptied at least once in ten (10) days from April first to November first, unless the same are so constructed as to be proof against the entrance of flies.

Regulation 12-6. Cleaning of Stables

- 12.6.1 All gutters, stalls, runways, and floors shall be kept clean and free from accumulations of manure, and shall be treated with chloride of lime or other suitable disinfectant at least once in every ten (10) days.

Regulation 12-7. The area of the paddock which is that area where the horse or horses exercise or feed shall be kept clean of manure. Manure shall be removed at least once every ten (10) days in area where it has accumulated. Agricultural lime can be used to also help control a fly problem.

Regulation 12-8. Revocation of Permits

- 12-8.1 Every permit granted for the occupancy of a stable may be revoked at any time when it shall appear to the Board of Health that such revocation is necessary to protect the public health or safety or that the conditions of the permit have been violated.

Regulation 12-9. Variances

- 12-9.1 The Board of Health may vary the application of any provision of this article with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided that the decision of the Board of Health shall not conflict with the spirit of these minimum standards.

Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the Clerk of the Town, or in the office of the Board of Health.

- 12-9.2 Variance, Grant of Special Permission, Expiration, Modifications, Suspension of:

Any variance or other modification authorized to be made by this article may be subject to such qualification, revocation, suspension, or expiration as the Board of Health expresses in its grant. A variance or modification authorized to be made by this article may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard in conformity with the requirements for an order and hearing.

**ARTICLE 13. IN ACCORDANCE WITH THE AUTHORITY GRANTED BY
GENERAL LAWS TER. ED., CHAPTER 140, SECTION 51,
AS AMENDED, THE BOARD OF HEALTH OF THE TOWN OF
ACTON HEREBY ESTABLISHES THE FOLLOWING TERMS,
CONDITIONS, RULES AND REGULATIONS FOR THE PRACTICE
OF MASSAGE AND THE CONDUCTING OF ESTABLISHMENTS
FOR THE GIVING OF VAPOR BATHS.**

Regulation 13-1. Regulations Governing the Practice of Massage/Muscular
Therapy

- 13.1.1 Massage or Muscular Therapist shall mean any person who
has been trained in and practices the art of massage and/or
muscular therapy.
- 13.1.2 Massage or muscular therapy shall mean a method of applying
pressure on or friction against, rubbing, kneading, tapping,
pounding or stroking the external parts of the body with the
hands or arms; with or without the aid of mechanical or
electrical apparatus or appliances; and with or without
supplementary aids such as rubbing alcohol, liniments, oils,
creams, lotions, powders or similar preparations; for the
purpose of reducing tension, stimulating circulation and
generally providing for an increase in a person's health
and well being.
- 13.1.3 Sanitization shall mean effective germicidal treatment by
a process that provides enough accumulative heat or
concentration of chemicals for enough time to reduce the
germ count, including bacterial, viral and fungal pathogens,
to a safe level on cleaned towels, linens and instruments.

Regulation 13-2. Registration

- 13.2.1 No person shall practice massage and/or muscular therapy
for commercial purposes within the Town of Acton without a
certificate of registration from the Board of Health.
- 13.2.2 An applicant for a certificate must:
 - a) complete an application form available at the
Health Department which shall at a minimum
include:
 - 1. Full name, place of business, home address, former
occupation and addresses of the same for past two
years, sunstantive letters of references from three
professional people, kind of massage to be
practiced, proposed massage establishments, when
applicable, education, training, experience,

certificates and diplomas, criminal record, names of other persons actually giving massage in the same establishment, and the names and addresses of the corporate officers of the business if incorporated.

- b) Submit a certified copy of proof of graduation from a school of massage or muscular therapy approved by the American Massage Therapy Association and the Commonwealth of Massachusetts Department of Education.

or

proof of graduation from a school of massage or muscular therapy certified by the Board of Education in the State in which the school is located, and which requires at least 500 hours and at least six months of instruction and practical training.

- C). Show certification that applicant is free of tuberculosis in communicable form as set forth by the Department of Public Health in the Commonwealth of Massachusetts.

13-2.3 Any certified massage practitioner may at any time be required to furnish additional evidence of the required training within a reasonable amount of time. In addition, the practitioner may be required to furnish evidence of good health from a licensed physician if the Health Department has reasonable cause to believe that the practitioner may pose a source of communicable disease which puts the public at risk.

13-2.4 The Board of Health prior to the issuance of any certificate of registration shall evaluate each individual application by the information provided as required in section 13-2.1- 13-2.3. The Board may also consider for evaluation any statements made by the applicant to the Board at any public meeting.

13-2.5 The fee for an individual certificate of registration shall be established annually by the Board of Health.

13.2.6 No application shall be received from a minor.

13.2.7 All massage therapy certificates shall expire on May 1 of each year.

Regulation 13.3 Exception and Exclusions

13.3.1 The provisions of these regulations shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:

- a). Physicians, surgeons, chiropractors, osteopaths, podiatrists, physical therapists or occupational therapists who are duly licensed to practice their

respective profession in the Commonwealth of Massachusetts.

- b). Nurses registered under the laws of the Commonwealth of Massachusetts.
- c). Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, and/or scalp of the customer or client.
- d). Health care personnel in hospitals, nursing homes, or health care facilities licensed by the Commonwealth of Massachusetts.

13-3.2 A person registered or licensed to practice massage in any other city or town of the Commonwealth of Massachusetts may, on a referral by a physician attend specific patients in Acton. If requested, he/she shall submit to the Board a copy of his/her registration or license from another community and written confirmation of the referral.

Regulation 13-4. Massage Therapy Establishment Licensing Requirements

The Board shall license establishments annually for the sole purpose of providing massage therapy if the following requirements are met.

- 13-4.1 All zoning bylaws and requirements of the Town of Acton are met as specified by the Zoning Officer of the Town of Acton.
- 13.4.2 All massage therapists practicing on the premises hold current massage therapy registrations from the Town of Acton.
- 13.4.3 An application supplied by the Health Department has been completed.
- 13.4.4 The Board of Health prior to the issuance of any massage therapy establishment license shall evaluate each individual application by the information provided as required in sections 13.4.1 - 13.4.3. The Board may also consider for evaluation any statements made by the applicant at any public meeting.
- 13.4.5 A fee established by the Board of Health for a massage establishment permit shall be paid annually to the Town of Acton at the time the application is submitted.
- 13.4.6 License is nontransferable.

Regulation 13.5 Massage Therapy Establishment Operating Requirements

- 13.5.1 Massage therapy establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens. Clean towels, coverings and linens shall be stored in a sanitary manner free from contamination. Towels and linens shall not be used on more than one patron, unless they have first been laundered, disinfected and sanitized. Disposal towels and coverings shall not be used on more than one patron. Soiled linens and disposal items shall be deposited in approved separate, covered receptacle and shall be disposed of as often as necessary in an approved sanitary manner.
- 13.5.2 Instruments and devices as well as hands utilized in performing massage and/or muscular treatment shall not be used on more than one patron unless they have been sterilized, disinfected and/or sanitized using approved methods.
- 13.5.3 Pads used on massage tables shall be covered with a durable, washable, plastic or other waterproof material, and disinfected between uses on patrons.
- 13.5.4 The room or rooms used by any person licensed to practice massage or to conduct an establishment for the giving of massage or muscular therapy shall be provided with an adequate supply of disinfectant to allow proper sanitization of hands immediately before and after treating each patron.
- 13.5.5 Therapists practicing in the establishment must be aware of the fundamental principals of prevention of the transfer of communicable diseases.
- 13.5.6 All rooms used in the conduct of the business shall be well lighted (20 lumens per square foot, minimum) and ventilated.
- 13.5.7 Walls, ceilings, floors and other physical facilities of the establishment must be maintained in good repair and in a clean and sanitary condition at all times.
- 13.5.8 A list of services and fees shall be clearly posted for unobstructed inspection by the patrons.
- 13.5.9 The establishment shall be open to the Director of Health, or appointed designee, for the purpose of making reasonable, unscheduled inspections to observe and enforce compliance with applicable regulations. Inspections will be made on at least an annual basis.
- 13.5.10 No establishment licensed for the giving of massage and/or

muscular therapy shall be kept open or operate except between the hours of 8:00 A.M. and 9:00 P.M. unless authorized in writing by the Board.

Regulation 13-6 Revocation of License or Certificates of Registration

- 13.6.1 A license or Certificate of Registration may be revoked by the Board of Health if a licensee or certificate holder:
- a). after a written request, by the Board of Health fails to furnish additional evidence of physical fitness, training, experience, and criminal record, if any.
 - b). has become unfit to engage in the practice of massage and/or muscular therapy by reason of the licensee's or certificate holder's physical condition, or fitness to do the work licensed.
 - c). the Board can in its discretion revoke a permit on grounds of criminal record.
 - d). it is found that any material statement in the application for a license or certificate is untrue or false.
 - e). refuses to permit any duly authorized officer of the Town or State to inspect the premises or the work of the licensee at any time.

Regulation 13-7 Variance

- 13.7.1 The Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided, that the decision of the Board of Health shall not conflict with the spirit of these regulations. Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the Clerk of the Town, or in the office of the Board of Health, and notice of the grant of variance shall be filed with the Commissioner of Public Health of the Commonwealth within seven (7) days of the vote of the Board of Health.

Regulation 13-8 Penalty

- 13.8.1 Whoever violates any provision of these rules and regulations shall be punished by a fine of not more than one hundred dollars (\$100.00).
- 13.8.2 If any clause, section, paragraph, sentence or phrase of these

rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect, and to this end the provision of these regulations are hereby declared severable.

ARTICLE 14. MINIMUM STANDARDS FOR SANITARY LANDFILL OPERATION

Regulation 14.1. Selection of Site

14-1.1 Sanitary landfill operations shall be limited to areas where spreading forms of pollution are considered not likely to occur.

14-1.2 Geological characteristics of the site shall be determined by on-site testing including, but not limited to, borings and test pits and may be supported by any other reliable survey information available. Information of this nature is necessary to:

14-1.2.1 Determine the availability of cover material of suitable quality and quantity from the site.

14-1.2.2 Evaluate the influence that such geological factors would have on the ease of excavation, surface water and groundwater pollution; and determine maximum ground water table.

14-1.2.3 The Board of Health reserves the right to require additional engineering or other data which, in its opinion, are needed to assure appropriate selection and operation of a landfill area.

14-1.3 In the selection of a sanitary landfill site, no area shall be considered or assigned which does not provide for a minimum distance of four (4) feet from the lowest point of refuse to the maximum ground water elevation as determined by seasonal high water.

Regulation 14.2 Plan Approval

14.2-1 All sanitary landfills shall be designed in accordance with these regulations by a registered professional engineer experienced in matters of solid waste disposal.

- 14.2-2 The design for a sanitary landfill shall include scaled topographic plans and profiles of the proposed fill area, access roads, grades for proper drainage, streams, ponds and wetlands, slopes, depth of fill, surface and groundwater control, fencing, proximity to nearest dwelling, utilities, employee facilities, operating and finished grades, groundwater determinations, buffer zones, water for fire control, adjacent and abutting land use, zoning, and all other pertinent information which may be required to indicate clearly the orderly development, operation, and completion of the sanitary landfill area.
- 14-2.3 Detailed plans, operational specifications, and other necessary reports pertinent to the sanitary landfill shall be submitted to the Board of Health for review and approval.

Regulation 14-3. Permit Requirements

- 14-3.1 No person shall maintain or operate a sanitary landfill without the written permission of the Board of Health. The permit shall be subject to the regulations set forth herein.
- 14-3.2 No permit shall be issued until plans are approved by the Acton Board of Health.
- 14-3.3 No permit shall be issued until assignment of the site has been made by the Board of Health.
- 14-3.4 The permit to operate a sanitary landfill shall include, but not be limited to, a description of the exact location and area (in acres) of the land to be used, the owner(s) of this land, and the operator(s) of the landfill. Pertinent restrictions or limitations of the assignment shall be specified on the permit.
- 14-3.5 A new permit shall be issued by the Board of Health following any modification of assignment.
- 14-3.6 Permits may be suspended by the Board of Health for failure of the owner or operator of the sanitary landfill facility to comply with the requirements of these regulations.
- 14-3.7 Permits shall expire one year from the date of issue and shall Be renewable provided that

the amount of time remaining for utilization of the landfill area is specified.

Regulation 14-4. Special Wastes

14.4.1 The operator may make special provisions for the limited disposal of certain special wastes; provided that such disposal is conducted in a separate area specially designed for this purpose and with the permission of and under the direction of the Board of Health.

14-4.2 The Board of Health may, by regulation, prohibit the deposition of certain toxic, harmful or hazardous waste materials.

14-4.3 No untreated body wastes may be discharged in the area without special permission of the Board of Health.

14-4.4 No oily or chemical wastes may be discharged in the area without special permission of the Board of Health.

Regulation 14-5. Disposal of Large Items

14-5.1 The Board of Health may, by regulation, restrict the optimum size of certain large, heavy, or bulky items to be disposed of in the sanitary landfill.

14-5.2 A specific area will be set aside for the disposal of large metal objects.

Regulation 14-6. Salvage

14-6.1 The salvaging of material from a sanitary landfill site shall not be allowed except by permit from the Board of Health.

14-6.2 The operator may make provisions for the limited salvaging of material, provided that such operations are conducted only when a special permit for this purpose is issued by the Board of Health and provided that a definite plan of procedure is established and followed to enable such operation to be carried out in an organized, sanitary, orderly, and dependable manner with no interference to the routine sanitary landfill operations.

Regulation 14-7. Inspection and Evaluation

- 14-7.1 Routine inspections and evaluations of the landfill operations shall be made by the Board of Health.
- 14-7.2 Notice of any deficiencies, together with any recommendations for their correction, shall be provided by the inspecting agency to the owner or person responsible for the use of the land; and to the appropriate individual, firm or governmental agency responsible for the landfill operation.

Regulation 14-8. General Administration and Enforcement

- 14-8.1 The provisions of Article 1 of the State Sanitary Code shall govern the administration and enforcement of these minimum standards except as supplemented by the following regulations.

Regulation 14-9. Assignment of Sanitary Landfill Facility

- 14-9.1 No place shall be designated as a site for a sanitary landfill unless this place is so assigned by the Board of Health, in accordance with the provisions of Section 150A of Chapter 111 of the General Laws.
- 14-9.2 No person shall operate a sanitary landfill unless he is the holder of a permit granted by the Board of Health.

Regulation 14-10. Orders: Service and Content

- 14-10.1 If an examination reveals the existence of a health or safety hazard at any sanitary landfill, the Board of Health may, as it considers necessary, issue an order which revokes or suspends a permit. Such an order shall be complied with in accordance with its direction and the disposal of solid wastes at the particular sanitary landfill will not be permitted unless and until the permit has been re-issued or the order has been revoked in writing by the Board of Health.
- 14-10.2 Every order authorized by these regulations shall be in writing. All orders shall be served

on the designated person:

- 14-10.2.1 Personally, by any person authorized to serve civil process, or
- 14-10.2.2 By leaving a copy of the order at his last and usual place of abode, or
- 14-10.2.3 By sending him a copy of the order by registered or certified mail, return receipt requested, if he is within the Commonwealth,
or
- 14-10.2.4 If his last and usual place of abode is unknown or outside the Commonwealth,
By posting a copy of the order in a conspicuous place on or about the sanitary landfill.

14-10.3 Any order issued under the provisions of These regulations shall:

- 14-10.3.1 Include a statement of the violation or defect, and may suggest action which if taken will effect compliance with this code, and
- 14-10.3.2 Allot a reasonable time for any action it requires, and inform the person to whom it is directed of his right to a hearing and of his responsibility to request a hearing, and to whom the request shall be made.

Regulation 14-11. Hearing

- 14-11.1 The person or persons to whom any order served pursuant to Regulation 10 of these regulations has been directed may request a hearing before the Board of Health by filing within seven (7) days after the day the order was served in the office of the Board of Health a written petition requesting a hearing on the matter. Upon receipt of such petition the Board of Health shall set a time and place for such hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than ten (10) days after the day on which the petition, the Board of Health may postpone the date of the hearing for a reasonable time beyond such ten-day period if in the judgement of the Board of

Health, the petitioner has submitted a good and sufficient a good and sufficient reason for such postponement.

14-11.2 At the hearing the petitioner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn.

14-11.3 After the hearing, the Board of Health shall sustain, modify, or withdrawn the order, and may suspend or revoke the permit and/or assignment and shall inform the petitioner in writing of the decision. If the Board of Health sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.

14-11.4 Every notice, order, and other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the Board of Health.

14-11.5 Any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this Commonwealth.

14-11.6 If a written petition for a hearing is not filed in the office of the Board of Health within seven (7) days after an order as provided in Regulation 10 has been issued, or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or revised shall constitute an additional offense.

Regulation 14-12. Appeal

14-12.1 Any person aggrieved by the final decision of the Board of Health with respect to the denial of a plan approval, the denial of, revocation of, or failure to renew a permit, or with respect to any order issued pursuant to Regulation 10 may appeal for a trial de novo in the district court of the district in which the affected sanitary landfill is situated.

Regulation 14-13. Penalties

14-13.1 Any person who operates or maintains a sanitary landfill without the unexpired and unrevoked written permission of the Board of Health shall

upon conviction be fined not less than one hundred (\$100.00) nor more than five hundred (\$500.00) dollars.

14-13.2 Any person who shall violate any provision of these regulations which penalty is not otherwise provided in any of the General Laws or in any other provision of these regulations or of Article I of the State Sanitary Code shall upon conviction be fined not less than ten (\$10.00) nor more than fifty (\$50.00) dollars.

14-13.3 Any person who shall fail to comply with any order issued pursuant to the provisions of these regulations shall upon conviction be fined not less than one hundred \$100.00 nor more than five hundred (\$500.00) dollars. Each day's failure to comply with an order as issued shall constitute an additional offense.

Regulation 14-14. Variance

14-14.1 The Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustices; provided, that the decision of the Board of Health shall not conflict with the spirit of these regulations. Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the Clerk of the Town, or in the office of the Board of Health, and notice of the grant of variance shall be filed with the Commissioner of Public Health of the Commonwealth within seven (7) days of the vote of the Board of Health.

14-14.2 Any variance or other modification authorized may be subject to such qualification, revocation, suspension, or expiration as the Board of Health expresses in its grant. A variance or other modification authorized may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard, in conformity with the requirements for an order and hearing as specified in Regulation

10 of these regulations.

Regulation 14-14. Operator May Promulgate Rules.

14-15.1 An operator may promulgate such rules and regulations governing the operation of a solid waste disposal facility in his care, charge or control as he shall deem necessary or desirable in furtherance of, and that are not inconsistent with the Rules and Regulations herein contained, provided such Operator's Rules and Regulations shall be approved by the Board of Health prior to becoming effective.

ARTICLE 15. RECOMBINANT DNA ACTIVITY REGULATION

Regulation 15-1

15-1.1 No person, corporation or entity shall use recombinant DNA technology in the Town without first obtaining a permit from the Board of Health.

15-1.2 No permit for any activity involving the use of recombinant DNA technology ("activity") shall be granted unless the applicant submits the following information:

15-1.2.1 The names, addresses, official positions and qualifications of all persons responsible for conduct of such activity.

15-1.2.2 The nature of the organisms to be used in the activity, the location where the activity is to take place, the measures taken to insure proper handling, containment, isolation, emergency response, disposal and security of the organisms.

15-1.2.3 Proper procedures which will be used for: monitoring such activity, screening and training employees, establishing and enforcing safety standards, keeping and retaining records both of the recombinant DNA activity, any accidents or

release of organisms containing recombinant DNA and of the health of employees.

- 15-1.3 All activity conducted under a permit for the use of recombinant DNA technology shall be conducted in accordance with the procedures and representations stated in the application.
- 15.1.4 All activity involving the use of such technology shall be conducted in accordance with the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules, published in the Federal Register of May 7, 1986, and any subsequent Federal amendment thereto.
- 15-1.5 The Board of Health may deny an application or impose conditions on any permit issued under this regulation (including inspection or reporting requirements) where necessary to prevent release into the environment of any organism containing recombinant DNA, or to otherwise protect the health of the public or of the persons conducting such activity.
- 15.1.6 Permits under this regulation shall be granted for a one year period unless otherwise specified by the Board of Health. A permit may be suspended or revoked for cause.
- 15-1.7 Any person, entity or facility conducting activity covered by this ordinance is subject to reasonable inspections to insure compliance with the conditions governing conduct of such activity.

ARTICLE 16. MINIMUM REQUIREMENTS FOR ACTIVITIES WITHIN THE GROUNDWATER PROTECTION ZONES.

Regulation 16-1. Purpose

- 16-1.1 The purposed of this regulation is to protect the public health by protecting and improving the quality of the groundwater upon which the Town of Acton relies for its water supply, public and private.
- 16-1.2 Protecting and improving the groundwater shall include, but not be limited to the following actions:
 - 16-1.2.1 Preventing degradation of, and

- improving the quantity and quality of surface water, underground aquifers, public water supply, and groundwater within the Permit Area,
- 16-1.2.2 Maintaining, improving, and preventing reduction of groundwater recharge,
- 16-1.2.3 Preventing discharge, or potential discharge, onto or into the ground of any hazardous substance, or any other substance which may degrade the quality of groundwater,
- 16-1.2.4 Preventing any other activity which may degrade, reduce, interfere with, or otherwise adversely affect Regulated Waters,
- 16-1.2.5 Preventing any activity within the Permit Area that will alter quality of the Regulated Waters in such a way as to pose a threat to public health, safety or welfare.

Regulation 16.2. Definitions

16.2.1 Regulated Activities shall include, but not be limited to the following:

16.2.1.1 Excavation, disposal, filling, construction, reconstruction, use, change or expansion of use, storage, or other activity involving any risk of discharge of any substance, including septic system leachate, directly, or indirectly, into the groundwater within the Permit Area,

16-2.1.2 Any change of the recharge characteristics of any property within the Permit Area,

16-2.2 Regulated Entity (Entities) shall include any individual(s), agent(s), corporation(s), or other entity (entities).

- 16.2.3 Action(s) shall include, but not be limited to any or all activities listed above in Section 16-1.2(.1-.5) - Purpose.
- 16.2.4 Regulated Waters shall mean the surface water, underground aquifers, public water supply, and/or groundwater within the Permit Area.
- 16.2.5 The Permit Area shall be the Well Protection Area (Zone 1), the Recharge Protection Area (Zone 2) and the Aquifer Protection Area (Zone 3) as defined in the "Groundwater Protection District Map of the Town of Acton, January 1989," contained in the Goldberg, Zoino and Associates' "Final Report - Aquifer Protection/Areas, Town of Acton, Massachusetts," January 1989 and any updates to that map as adopted by the Acton Board of Health., Acton Planning Department, Acton Board of Selectmen, Annual Town Meeting and/or Special Town Meeting.
- 16-2.6 Permit shall be a "Permit for Work in a Permit Area" which shall be granted by the Issuing Authority. The Permit shall specify in writing which of the Regulated Activity (Activities) may be undertaken by the Permit applicant.
- 16-2.7 The Issuing Authority shall be the Board of Health, or the Health Department of the Town of Acton, as delineated in Section 16-6., PERMITS GRANTED BY THE HEALTH DIRECTOR, and Section 16-5, Issuing Authority.
- 16-2.8 Information shall include, but not be limited to information supplied by the applicant, the Health Department, or any other information before the Board.
- 16-2.9 Risk(s) shall include, but not be limited to the reduction of quantity and/or quality of, or the discharge of any substance to, or any other risk to the Regulated Waters, which may in turn cause any threat to the public health or safety by contact with or ingestion of the Regulated Waters.

Regulation 16-3 Permit Required

- 16-3.1 No Regulated Entity (Entities) shall undertake, perform, or cause to be performed any Regulated Activity within the Permit Area without a Permit from the Issuing Authority.

Regulation 16-4 Issuance of Permits

16-4.1 Standards for Issuance. The Issuing Authority shall grant a Permit if it finds, based upon the Information, that the proposed activity poses no significant risk of reducing, interfering with, or degrading the groundwater or causing any threat to the public health and safety.

16-4.1.1 The Issuing Authority shall deny the permit if the Information does not demonstrate that the Regulated Activity, poses no significant risk to the Regulated Waters.

16-4.2 Conditions. The Board of Health, may take any Action(s) or impose such conditions and limitations on the Permit as may be required to prevent Risk to the Regulated Waters.

16.4.2.1 Such conditions and limitations may include substance containment requirements, depth to groundwater requirements, run-off containment requirements, requirements to preserve groundwater recharge, limits on density of use, limits on the extent of impervious cover, treatment of water run-off, or other condition or limitation necessary to further the purposes of this regulation. All construction, use, or other activity shall be conducted in strict compliance with any conditions or limitations imposed in the Permit.

16-4.2.2 The Board may require the applicant to provide, at its own expense, such studies, test results, analyses or other data as may be necessary in order to determine whether granting the Permit would be consistent with the standards in this regulation.

16-4.2.3 Prior to the Board recommending approval of any subdivision to the Planning Board, an evaluation of the site and a design by competent soil

scientists and qualified personnel, shall be submitted by the applicant to the Board.

- 16-4.2.4 A nitrate loading assessment for any project or subdivision which will have a total effluent discharge over 2,000 gallons per day shall be submitted by the applicant to the Board.
- 16-4.2.5 Within the Well Buffer area, monitoring wells, downgradient of all septic systems with a capacity of 550 gallons per day, or any commercial or industrial use, shall be provided.
- 16-4.2.6 Within the Recharge Protection area, monitoring wells, downgradient of all septic systems with a capacity of 2,000 gallons per day, or any commercial or industrial use, shall be provided.
- 16-4.2.7 Within the Well Buffer area, septic systems shall be set back 300' from any public, semi-public or private well supply system.
- 16-4.2.8 Within the Recharge Protection area, septic systems shall be set back 150' from any public, semi-public or private well supply system.
- 16-4.2.9 On site Sewer Treatment Plants, with advanced capabilities, shall be required for all projects in excess of 10,000 gallons per day within any aquifer protection zone.
- 16-4.2.10 All leaching areas within an aquifer zone shall be set back 100' from any recharge, retention, detention or surface drainage area.
- 16-4.2.11 Hydrogeological studies shall be submitted to the Board for any proposed effluent flow exceeding 5,000 gallons on any one property.

16-4.3 Issuance and Renewal. Permits shall be issued by the Issuing Authority, and shall remain in force so long as no significant change occurs in the extent or nature of the activity conducted by the applicant. If there has been any significant change in the extent or nature of the use or activity or if new information suggests that the current use or activity poses a Risk to the groundwater or to public health or safety, a new Permit shall be required from the Issuing Authority.

16-4.3.1 Every applicant for a Permit shall complete and file a written application in a form prescribed by the Health Director and appear in person or by an authorized representative before the Issuing Authority at the hearing on the issuance of the Permit, unless the Issuing Authority waives the requirement for a personal appearance. The Board may also require the attendance of such other agents or employees of the applicant as may be necessary to provide Information relative to the application.

16-4.4 Revocation. The Board may revoke a Permit at any time if it concludes that the Regulated Activity or the manner in which the Regulated Activity is being conducted poses a significant Risk to the Regulated Waters or any other public health or safety risk. Except in an emergency, no Permit shall be revoked without a hearing before the Issuing Authority prior to the revocation. If a Regulated Activity presents an immediate and significant Risk to the Regulated Waters or any other immediate and public health or safety risk, the Health Director may revoke a Permit without a prior hearing. In the event that a Permit is revoked by the Health Director, the permittee shall be entitled, upon request, to a hearing before the Issuing Authority within ten days after the revocation.

Regulation 16.5 Issuing Authority

16-5.1 The Board of Health shall be the Issuing Authority for all permits for all lands, properties,

and realty trusts, regardless of ownership within the Permit Area except for those which meet the criteria given in Section VI, PERMITS GRANTED BY THE HEALTH DIRECTOR. The Board has delegated to the Health Director the authority to grant permits for the Health Director the authority to grant permits for the Health Director the authority to grant permits for properties that meet the criteria of Section 16-6.

Regulation 16-6. Permits Granted by the Health Director

16-6.1 Notwithstanding the provision of Section 16-3, Permits for installation of septic systems for single family homes may be granted by the Health Director, without conditions if all of the following criteria are met:

- | | |
|----------|---|
| 16-6.1.1 | The total flow from the system, calculated in accordance with Title 5 of the Massachusetts Code of Regulations, will not exceed 1000 gallons per day. |
| 16-6.1.2 | The percolation rates observed in accordance with required testing procedure exceeds six minutes per inch, or the depth from the bottom of the septic system to groundwater is at least six feet, or the system is at least 1.5 miles from any current or reasonably likely Well Protection Area. |
| 16-6.1.3 | The proposed system is not located within any Well Protection Area (Zone 1). |
| 16-6.1.4 | All other requirements of Title 5 of the Massachusetts Code of Regulations and the Acton Health Department are met. |
| 16-6.1.5 | There are no special circumstances which, in the opinion of the Health Director, could pose a risk of degradation of the groundwater or other public health or safety threat. |

16-6.2 Notwithstanding the provisions of Section 16-3, permits for installation of septic systems for single family homes in areas with percolation rates of less than 6 mpi may be granted by the Health Director, with conditions if all of the following criteria is met:

- 16-6.2.1 No underground fuel storage tanks shall be permitted on the site.
- 16-6.2.2 The septic tank shall be pumped a minimum of once every one/two years.
- 16-6.2.3 The site shall fully conform to the Town of Acton Hazardous Materials Control Bylaw.
- 16-6.2.4 The sewage disposal system for the proposed buildings at this site shall be approved by Acton Board of Health staff.
- 16-6.2.5 The leaching facility is designed and installed with pressure dosing of the system, said pressure dosing designed in accordance with the State Environmental Code, or it shall be in compliance with 16-6 Figure I.
- 16-6.2.6 Floor cleaning procedures for the building shall use only nontoxic and biodegradable cleaning compounds.
- 16-6.2.7 Sewage disposal system shall be a minimum 100 feet from flood plain and/or wetlands.
- 16-6.2.8 Floor drains are not permitted.

16-6 Figure 1 Groundwater Separation for Bottom of Septic Systems in Aquifer Zones			
Percolation Rate	Well Buffer Zone (1)	Recharge Zone (2)	Protection Zone (3)
2 minutes per inch	8.00'	7.00'	6.00'
3 minutes per inch	7.00'	6.00'	5.00'
4 minutes per inch	6.00'	5.25'	4.50'
5 minutes per inch	5.50'	4.75'	4.25'
6 minutes per inch	5.00'	4.50'	4.00'
7 minutes per inch	4.75'	4.25'	4.00'
8 minutes per inch	4.50'	4.00'	4.00'
9 minutes per inch	4.25'	4.00'	4.00'
10 minutes per inch	4.00'	4.00'	4.00'

Regulation 16-7. Fees

- 16-7.1 Both the initial grant of the Permit and any renewal shall be subject to a reasonable Permit fee established by the Board of Health. Fees shall be paid when the application is filed.

Regulation 16-8. Enforcement and Penalties

- 16-8.1 The provisions of any Permit shall be enforced by the Health Department. Permittees shall provide access, at reasonable times and upon notice, to employees or authorized agents of the Department for inspection of records or facilities, sampling, or other observation, testing or procedures necessary to ensure compliance with this regulation.
- 16-8.2 Any initial violation of the provisions of this regulation shall result in a fine of not more than fifty dollars per day for each day during which the violation continues. Any second or subsequent violation of the regulation shall result in a fine of not more than one hundred dollars per day for each day during which the violation continues. Upon learning of an initial violation the Health Director shall contact the person or persons involved and attempt to resolve the matter informally. The

Health Director may hold a hearing on the violation and require the person or persons alleged to be in violation to attend.

16-8.3 In the event that an initial violation can not be resolved by the parties, or of a second or subsequent violation, the Board of Health shall hold a hearing, after notice to the person or persons alleged to be in violation of the regulation, who shall be required to attend and provide any Information necessary to resolve the issues and assure compliance with this regulation.

ARTICLE 17 - REGULATIONS FOR BODY ART ESTABLISHMENTS

Regulation 17-1. Purpose and Scope

The purpose of the Regulations for Body Art Establishments is to set forth a regulatory scheme governing the practice of body art in Acton.

Regulation 17-2. Definitions

Aftercare means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area, including information about conditions and/or symptoms which warrant medical care, if necessary.

Applicant means any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

Autoclave means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

Autoclaving means a process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

Bloodborne Pathogens Standard means OSHA Guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens."

Board of Health or Board means the Acton Board of Health, or it's Agent.

Body Art means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are to be performed only under the direction of a physician.

Body Art Establishment or establishment means a location, place, or business that has been granted a permit by the Board, where the practices of body art are performed, whether or not for profit.

Body Art Practitioner or practitioner means a specifically identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

Body Piercing means puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear piercing.

Branding means inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

Client means a member of the public who requests a body art procedure at a body art establishment.

Contaminated Waste means waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

Department means the Department of Public Health or its authorized representatives.

Disinfectant means a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Ear piercing means the puncturing of the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system following the manufacturer's instructions.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

Hand Sink means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

Hot water means water that attains and maintains a temperature 110°-130°F.

Instruments Used for Body Art means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

Invasive means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

Jewelry means any ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium,

titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

Minor means any person under the age of eighteen (18) years.

Operator means any person who individually, or jointly or severally with others, owns, or controls an establishment, but is not necessarily a body art practitioner.

Permit means Board approval in writing to either (1) operate a body art establishment or (2) operate as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within the Town of Acton.

Person means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

Physician means an individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to M.G.L. c. 112 § 2.

Procedure surface means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

Sanitary means clean and free of agents of infection or disease.

Sanitize means the application of an U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

Scarification means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

Sharps means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.

Sharps Container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

Single Use Items means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

Sterilize means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Tattoo means the indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

Tattooing means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

Ultrasonic Cleaning Unit means a unit approved by the Board, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

Universal Precautions means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report) (MMWR), June 23, 1989, Vol.38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

Regulation 17- 3. Exemptions

- (A) Physicians licensed in accordance with M.G.L. c. 112 § 2 who perform body art procedures as part of patient treatment are exempt from these regulations.
- (B) Individuals who pierce only the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

Regulation 17-4. Restrictions

- (A) No tattooing, piercing of genitalia, branding or scarification shall be performed on a person under the age of 18.
- (B) Body piercing, other than piercing the genitalia, may be performed on a person under the age of 18 provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure.
- (C) No piercing of genitalia, branding or scarification shall be performed on any person in Acton.

Regulation 17-5. Operation of Body Art Establishments

Unless otherwise ordered or approved by the Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

(A) Physical Plant

- (1) Walls, floors, ceilings, and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
- (2) Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
- (3) The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.
- (4) Each body art station shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by a divider or partition at a minimum.
- (5) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
- (6) A separate, readily accessible hand sink with hot and cold running water under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.
- (7) There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.
- (8) At least one covered, foot operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leakproof, rodent-resistant containers and shall be removed from the premises at least weekly.
- (9) At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non-

contaminated liquid wastes in accordance with all applicable Federal, state and local laws. Said sink shall be of adequate size equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.

- (10) All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
- (11) The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.
- (12) The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
- (13) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
- (14) Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure.

(B) Requirements for Single Use Items Including Inks, Dyes and Pigments

- (1) Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.
- (2) All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single use and disposable.
- (3) Hollow bore needles or needles with a cannula shall not be reused.
- (4) All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
- (5) Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

(C) Sanitation and Sterilization Measures and Procedures

- (1) All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, (to remove blood and tissue residue), and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- (2) After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months.
- (3) The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Board. Autoclaves shall be located away from workstations or areas frequented by the public.
- (4) Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three (3) years and made available to the Board upon request.
- (5) All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- (6) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
- (7) If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- (8) When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques as set forth in Section (C) and section 17-6 to ensure that the instruments and gloves are not contaminated.
- (9) Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

(D) Posting Requirements

The following shall be prominently displayed:

- (1) A Disclosure Statement, a model of which shall be available from the Department. A Disclosure Statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
- (2) The name, address and phone number of the local Board of Health that has jurisdiction and the procedure for filing a complaint.
- (3) An Emergency Plan, including:
 - (a) a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - (b) a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - (c) a sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
- (4) An occupancy and use permit as issued by the local building official.
- (5) A current establishment permit.
- (6) Each practitioner's permit.

(E) Establishment Recordkeeping

The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Board upon request:

- (1) Establishment information, which shall include:
 - (a) establishment name;
 - (b) hours of operation;
 - (c) owner's name and address;
 - (d) a complete description of all body art procedures performed;
 - (e) an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
 - (f) A Material Safety Data Sheet, when available, for each ink and dye used by the establishment; and
 - (g) a copy of these regulations.
- (2) Employee information, which shall include:
 - (a) full names and exact duties;
 - (b) date of birth;
 - (c) home address;
 - (d) home /work phone numbers; and

- (3) Client Information, which shall include:
 - (a) name;
 - (b) date of birth;
 - (c) address of the client;
 - (d) date of the procedure;
 - (e) name of the practitioner who performed the procedure(s);
 - (f) description of procedure(s) performed and the location on the body;
 - (g) a signed consent form as specified by 6(D)(2); and,
 - (h) if the client is a person under the age of 18, proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian.
- (4) All client information shall be considered confidential and shall not be provided to any persons except to the Board of Health or its authorized agent.
- (F) The establishment shall require that all body art practitioners have either completed, or were offered and declined, in writing, the hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Board upon request.

Regulation 17-6. Standards of Practice

Practitioners are required to comply with the following minimum health standards:

- (A) A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S Centers for Disease Control and Prevention.
- (B) A practitioner shall refuse service to any person who appears to be under the influence of alcohol or drugs.
- (C) Practitioners who use ear-piercing systems must conform to the manufacturers directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.
- (D) Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:
 - (1) Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:
 - (a) history of diabetes;
 - (b) history of hemophilia (bleeding);
 - (c) history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
 - (d) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - (e) history of epilepsy, seizures, fainting, or narcolepsy;

- (f) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
 - (g) any other conditions such as hepatitis or HIV.
- (2) Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 6(K).
- (E) A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- (F) In performing body art procedures, a practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with section (E) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for handwashing procedures as part of a good personal hygiene program.
- (G) The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity which such practitioner is so affected.
- (H) Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- (I) Preparation and care of a client's skin area must comply with the following:
 - (1) Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
 - (2) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

- (3) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- (J) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- (K) The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:
 - (1) on the proper cleansing of the area which received the body art;
 - (2) to consult a health care provider for:
 - (a) unexpected redness, tenderness or swelling at the site of the body art procedure;
 - (b) any rash;
 - (c) unexpected drainage at or from the site of the body art procedure; or
 - (d) a fever within 24 hours of the body art procedure; and
 - (3) of the address, and phone number of the establishment.

A copy shall be provided to the client. A model set of aftercare instructions shall be made available by the Department.

- (L) Contaminated waste shall be stored, treated and disposed in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

Regulation 17-7. Injury Reports

A written report of any injury, infection complication or disease as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to the Board which issued the permit, with a copy to the injured client within five working days of its occurrence or knowledge thereof. The report shall include:

- (A) the name of the affected client;
- (B) the name and location of the body art establishment involved;
- (C) the nature of the injury, infection complication or disease;
- (D) the name and address of the affected client's health care provider, if any;
- (E) any other information considered relevant to the situation.

Regulation 17-8. Complaints

- (A) The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.
- (B) If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons on which it is based.

- (C) If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action.

Regulation 17-9. Application for Body Art Establishment Permit

- (A) No person may operate a body art establishment except with a valid permit from the Board.
- (B) Applications for a permit shall be made on forms prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term “application” as used herein shall include the original and renewal applications.
- (C) An establishment permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Board.
- (D) The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
 - (1) Name, address, and telephone number of:
 - (a) the body art establishment;
 - (b) the operator of the establishment; and
 - (c) the body art practitioner(s) working at the establishment;
 - (d) a copy of the current permit for each body art practitioner who is hired to work at the establishment, before he or she begins work.
 - (2) The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment;
 - (3) A signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Board’s body art regulations;
 - (4) A drawing of the floor plan of the proposed establishment to scale for a plan review by the Board, as part of the permit application process; and,
 - (5) Such additional information as the Board may reasonably require.
- (E) The application fee for a Body Art Establishment Permit shall be \$250 annually.
- (F) A permit for a body art establishment shall not be transferable from one place or person to another.

Regulation 17-10. Application for Body Art Practitioner Permit

- (A) No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board. The application fee for a Body Art Practitioner Permit shall be \$100 annually.
- (B) A practitioner shall be a minimum of 18 years of age.
- (C) A practitioner permit shall be valid from the date of issuance and shall automatically expire in two (2) years from the date of issuance unless revoked sooner by the Board.
- (D) Application for a practitioner permit shall include:
 - (1) name;
 - (2) date of birth;
 - (3) residence address;
 - (4) mailing address;
 - (5) phone number;
 - (6) place(s) of employment as a practitioner
 - (a) name and address of any other body art establishment (s)he has operated (or worked at) for the last five years, or is in the process of applying for;
 - (b) a copy of the permit for that establishment, if it is located in Massachusetts or any other state that requires a permit;
 - (c) a statement under oath that no such permit has been revoked or suspended or
 - (7) training and/or experience as set out in (E) below.
 - (8) certification by physician that applicant is free of communicable disease
 - (9) statement of criminal record

(E) Practitioner Training and Experience

- (1) In reviewing and application for a practitioner permit, the Board shall consider experience, training and/or certification acquired in other states that regulate body art.
- (2) Training for all practitioners shall be approved by the Board and, at a minimum, shall include the following:
 - (a) bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; handwashing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques; and
 - (b) First Aid and cardiopulmonary resuscitation (CPR).

Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.

- (3) Each applicant shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy, completed an examination on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to the Board.
 - (4) Each applicant shall provide documentation, acceptable to the Board, that s/he completed a course on skin diseases, disorders and conditions, including diabetes, or completed an examination on skin diseases, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to the Board.
- (F) A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these regulations.

Regulation 17-11. Grounds for Denial of Permit, Revocation of Permit, or Refusal to Renew Permit

- (A) The Board may suspend or revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew:
- (1) any actions which would indicate that the health or safety of the public may be at risk;
 - (2) fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
 - (3) criminal conduct which the Board determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
 - (4) any present or past violation of the Board's regulations governing the practice of body art;
 - (5) practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 - (6) being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
 - (7) knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
 - (8) continuing to practice while his/her permit is lapsed, suspended, or revoked; and

- (9) having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations.
- (10) other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art;

(B) Notice of Violation and Action Thereon

- (1) The Board shall give an applicant, establishment, or practitioner notice in writing of any violation of the Board's regulations, and the proposed action the Board intends to take with respect to such violations, which may include (a) a fine under regulation 17-4; (b) an order to cease and desist or to correct the violation, which shall specify a time for compliance; or (c) suspension or revocation of the permit for the establishment or practitioner. Such notice shall be delivered in hand or by certified mail to the permittee.
- (2) The permittee may either agree to pay fine or correct any condition within the time for compliance set forth in such notice of violation or request a hearing by the Board
- (3) Failure to comply with any notice of violation, or to request a hearing, shall be grounds for immediate suspension or revocation of the permit, or such other action as the Board determines.

(C) Applicants denied a permit may reapply at any time after denial.

Regulation 17-12. Grounds for Suspension of Permit

The Board or its agent may summarily suspend a permit pending a hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that an establishment and/or a practitioner is an immediate and serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board or its agent.

Regulation 17-13. Procedure for Hearings

- A. Any person who has received a Notice of Violation under Regulation 17-11(b) may request a hearing thereon by filing a written request with the Board or its agent within seven (s) days after receipt of such notice. Receipt of the notice shall be deemed to occur on the date of delivery or receipt of certified mail, or on the date of the second notice of attempted delivery by the post office, if the addressee fails to pick up the certified mail.
- B. The Board shall schedule a hearing on such violation, as soon as practicable but in any case not more than 21 days after receipt of the request for a hearing, and shall notify the permittee of the date and time of such hearing in writing. If the permittee has been suspended in accordance with Regulation 17-12, it shall remain suspended pending the outcome of the hearing.

- C. The permittee shall be entitled to be heard with respect to any violations contained in the Notice of Violation. The applicant and any person testifying with respect to facts shall be sworn, but the Board need not otherwise observe the rules of evidence.
- D. The Board shall act by a majority vote of the members who attend the hearing, provided a quorum of the Board is present. The Board may affirm or modify the proposed action in its Notice of Violation or take such other action as it may determine.
- E. Following the hearing, the Board shall issue a written decision containing its findings of facts and a statement of its action.

Regulation 17-14. Unauthorized Practice of Body Art

The Board shall refer to the appropriate District Attorney, Attorney General, or other law enforcement official any incidents of unauthorized practice of body art.

Under Chapter E 45 of the Bylaws of Town of Acton, any person in violation of the Rules and Regulations of the Acton Board of Health shall be fined \$10.00 per offense per day.

Regulation 17-15. Severability

If any provision contained in this regulation is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

ARTICLE 18 – SMOKING ON SCHOOL GROUNDS

Article 18-1

The provisions of the State Law Chapter 71, Section 37H shall apply in the Town of Acton. The use of any tobacco products within the school building, the school facilities, on the school grounds, or on school buses by any individual, including school personnel is prohibited. Only duly authorized agents of the Board of Health shall do enforcement of this regulation. The Acton/Boxborough Regional School Committee may submit to the Board of Health recommended personnel to be made authorized agents to enforce this regulation during hours when the schools are in session. (adopted April 29, 2002)

ADOPTION AND DATE OF EFFECT

These Rules and Regulations were adopted by a vote of the Board of Health, Town of Acton, Commonwealth of Massachusetts, on 6/14/2004.

Filed with the Town Clerk of Acton, Massachusetts on _____.